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In the Matter Of:

RE: PERFORMANCE METRICS TARGETS FOR LUMA ENERGY SERVCO, LLC

FEBRUARY 8, 2023 VOL.2

February 08, 2023

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

CASE NO. NEPR-AP-2020-0025

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IN RE: PERFORMANCE METRICS TARGETS FOR LUMA ENERGY
SERVCO, LLC
- - - - -

Volume 2

Transcript of proceedings before the PUERTO
RICO ENERGY BUREAU, held at the World Plaza
Building, 268 Avenida Muñoz Rivera, on the 8th
Floor, San Juan, Puerto Rico, on Tuesday, February
8, 2023, commencing at 9:40 a.m.

Puerto Rico Energy Bureau Members:

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LILLIAN MATEO SANTOS, COMMISSIONER

FERDINAND RAMOS SOEGAARD, COMMISSIONER

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CURTIS CLARK

DON CORTEZ

DIANE WATKINS

LEE WOOD (Appearing remotely.)

LECO Witnesses:

Agustin Alexi Irizarry-Rivera

OIPC Witnesses:

Gerardo Cosme Nuñez

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1 - TRANSCRIPT OF PROCEEDINGS -
2 VOLUME II
3 MORNING SESSION
4 WEDNESDAY, FEBRUARY 8, 2023
5 [TIME NOTED: 9:38 A.M.]
6 MR. SEILHAMER: Good morning. Good
7 morning. It's 9:38 in the morning, Wednesday,
8 February 8, 2023, and we are ready to continue
9 evidentiary hearing in Case Number
10 NEPR-AP-2020-0025, in regards to the performance
11 targets for LUMA Energy Servco, LLC.
12 For the record, I'm Attorney Dennis
13 Seilhamer, and I've been designated by the Energy
14 Bureau to be the hearing examiner for this
15 evidentiary hearing.
16 This morning we're also joined by
17 Edison Aviles Deliz, Chairman of the Energy Bureau
18 of Puerto Rico public Service Regulatory Board, and
19 associate Commissioners, Lillian Mateo Santos,
20 Ferdinand Ramos Soegaard, Sylvia Ugarte and Antonio
21 Torres Miranda.
22 In compliance with resolution -- the
23 resolution that the Energy Board filed on
24 February 20, 2023, we are scheduled to begin the
25 session regarding technical, safety and regulatory

1 performance.

2 As so, I want to confirm with all of
3 the entities and parties involved, the witnesses
4 that are going to be appearing in today's session.
5 For LUMA, Curtis Clark, Lee Wood, Don Cortez, Diane
6 Watkins.

7 MS. MERCADO: Good morning to the
8 Commissioners and all present.

9 Yes, those are LUMA's witnesses, I
10 can confirm.

11 MR. SEILHAMER: For LECO we have
12 Agustin Alexi Irizarry-Rivera.

13 And for OIPC, we have Gerardo Cosme
14 Nuñez.

15 MR. VAZQUEZ: Good morning,
16 everyone, yes.

17 MR. SEILHAMER: Okay. Also, as part
18 of the agreement that all parties came into
19 yesterday, we are going to mark as Exhibit 19 the
20 direct testimony of Curtis Clark.

21 [Exhibit Number 19 was marked for
22 identification.]

23 MR. SEILHAMER: We are going to mark
24 as Exhibit 20, the rebuttal for Curtis Clark.

25 [Exhibit Number 20 was marked for

1 identification.]

2 MR. SEILHAMER: Exhibit 21, the
3 rebuttal dated February 17, 2022, for Lee Wood.

4 [Exhibit Number 21 was marked for
5 identification.]

6 MR. SEILHAMER: Exhibit 22 is going
7 to be a second rebuttal for Lee Wood dated May 11,
8 2022.

9 [Exhibit Number 22 was marked for
10 identification.]

11 MR. SEILHAMER: Exhibit 23 is going
12 to be direct testimony of Lee Wood.

13 [Exhibit Number 23 was marked for
14 identification.]

15 MR. SEILHAMER: Exhibit 24 is going
16 to be rebuttal from Don Cortez dated February 17,
17 2022.

18 [Exhibit Number 24 was marked for
19 identification.]

20 MR. SEILHAMER: Exhibit 25 is going
21 to be rebuttal from Don Cortez dated April 27,
22 2022.

23 [Exhibit Number 25 was marked for
24 identification.]

25 MR. SEILHAMER: Exhibit 26 is going

1 to be rebuttal, Don Cortez, dated January 23rd,
2 2023.

3 [Exhibit Number 26 was marked for
4 identification.]

5 MR. SEILHAMER: Exhibit 27 is going
6 to be rebuttal, Diane Watkins, January 24, 2023.

7 [Exhibit Number 27 was marked for
8 identification.]

9 MR. SEILHAMER: Exhibit 28 is going
10 to be rebuttal, Diane Watkins, January 24, 2023.

11 [Exhibit Number 28 was marked for
12 identification.]

13 MS. MERCADO: This is Margarita
14 Mercado for the record.

15 I think we should identify that both
16 rebuttals have the same date because they were
17 resubmitted. So maybe to be sure which one is
18 which.

19 So you said 27 -- there's a footnote
20 on the first page that --

21 MR. SEILHAMER: Twenty-seven and 28,
22 I'll clarify that. Give me a couple minutes. Let
23 me go to the end of the list and then I'll clarify,
24 I'll look to see what I can use to distinct one
25 from the other.

1 MS. MERCADO: Okay.

2 MR. SEILHAMER: Then we have Diane
3 Watkins' direct testimony on January 24, 2023.

4 [Exhibit Number 29 was marked for
5 identification.]

6 MR. SEILHAMER: We also have our
7 rebuttal from Diane Watkins, that's going to be
8 Exhibit 30, from January 23, 2023.

9 [Exhibit Number 30 was marked for
10 identification.]

11 MR. SEILHAMER: We have Exhibit 31,
12 that is from Gerardo Cosme, direct testimony,
13 November 17, 2021.

14 [Exhibit Number 31 was marked for
15 identification.]

16 MR. SEILHAMER: And direct testimony
17 from Girardo Cosme dated December 8, 2022.

18 [Exhibit Number 32 was marked for
19 identification.]

20 MR. SEILHAMER: Those are going to
21 be the exhibits. We'll make the clarification
22 regarding Diane Watkins, the ones that have the
23 same dates so we can distinguish them.

24 In terms of a housekeeping matter
25 for cross-examination, I talked to the attorneys

1 for each party before the beginning of this
2 proceeding today to inform them that the time for
3 cross-examination for each party is going to be
4 30 minutes per panel.

5 Therefore, it's the responsibility
6 of each attorney to plan ahead their questions,
7 taking into account the time that has been
8 established by the Bureau.

9 With that being said, then, let's
10 call all of the witnesses so they can be sworn.

11 COMMISSIONER MATEO: Can
12 Mr. Havumaki mute himself, we can put him on mute.

13 MS. MERCADO: Yes, on mute. Sorry,
14 Lee, if you can leave us, please unmute for the
15 oath. Yes.

16 COMMISSIONER MATEO: Girardo, we
17 need to change the image so we can see Mr. Wood.

18 MR. SEILHAMER: As part of the
19 witnesses taking oath, we are also going to include
20 Mr. Dennis Zambataro, who is the court reporter.

21 I have a view of the witness from
22 our consultants' computer.

23 MR. SEILHAMER: For all of the
24 witnesses, for the record, do you affirm that the
25 testimony you will provide today is true, correct

1 and based on your own and personal knowledge and
2 that to the best of your understanding, none of the
3 information you will provide is misleading or
4 untruthful.

5 [Affirmative response.]

6 MR. SEILHAMER: Let the record
7 reflect that all of the witnesses answered in the
8 affirmative.

9 So now we are going to start with
10 the agenda.

11 MS. MERCADO: This is Margarita
12 Mercado for the record. I think we're missing the
13 oath to the court reporter.

14 MR. SEILHAMER: He was part of it.

15 MS. MERCADO: You mentioned
16 witnesses, that's why.

17 MR. SEILHAMER: Before I
18 administered the oath, I did state it for the
19 record that also the court reporter, Dennis
20 Zambataro, has to take the oath.

21 COURT REPORTER: I do.

22 MR. SEILHAMER: Do you swear --
23 thank you.

24 We are going to let our consultants
25 start asking questions of the witnesses.

1 MR. HAVUMAKI: Thank you.

2 We are going to begin with

3 Mr. Clark.

4 Good morning, Mr. Clark.

5 THE WITNESS: Good morning.

6 CURTIS CLARK

7 was called as a witness on behalf of LUMA, having
8 been first duly sworn, was examined and testified as
9 follows:

10 EXAMINATION

11 BY MR. HAVUMAKI:

12 Q. Can you please state your name and
13 position for the record.

14 A. Yes. My name is Curtis Clark for the
15 record. My current position with LUMA is I'm the
16 functional lead of emergency preparedness.

17 Q. Thank you for that.

18 Can you please explain your role in
19 developing the proposals for --

20 MS. MERCADO: Sorry to interrupt.
21 Margarita Mercado for the record.

22 I believe he needs to put the
23 microphone on. I think the first question may not
24 have been reflected for the record, the first one.

25 THE WITNESS: Okay.

1 MR. HAVUMAKI: Should I ask it
2 again?

3 MR. SEILHAMER: Yes.

4 BY MR. HAVUMAKI:

5 Q. Mr. Clark, can you please state your name
6 and position for the record.

7 A. My name is Curtis Clark, I'm the
8 functional lead of emergency preparedness for LUMA
9 Energy.

10 Q. All right. Thank you.
11 Can you please explain your role in
12 developing LUMA's proposals for Annex IX that have
13 submitted for approval in this proceeding.

14 A. Yes. Part of my responsibilities with
15 the health safety environmental department. It is
16 to collect and prepare our metrics for the
17 organization.

18 So I was responsible for developing a
19 proposal for the OSHA total reportable injury rate;
20 the OSHA [inaudible] restricted transfer DART rate
21 and severity rate, in accordance with the
22 principles in the OME.

23 Q. And were you also involved in developing
24 the fatality rate metric?

25 A. The fatality rate was agreed to in the

1 original OMA, so I was not in involved in that.

2 **Q. Can you please specify the metrics that**
3 **you were involved in developing?**

4 A. Yes. So the OSHA total reportable injury
5 rate is an industry measure, it is the measure
6 of -- to describe it in layman's terms -- of every
7 hundred employees that work in a given year, how
8 many of those employees will become injured such
9 that they require medical treatment beyond the
10 first day.

11 So that's the OSHA total reportable
12 injury rate.

13 The OSHA DART rate is a similar measure,
14 but instead of every hundred employees requiring
15 medical treatment, it's out of every hundred
16 employees, how many employees become injured
17 such that they require either a job restriction, a
18 job transfer, or days away from work.

19 A severity rate is a similar calculation,
20 only it's the total sum of these that are
21 transferred, restricted or away from work divided
22 by the total hours worked, and then times by the
23 metric for a hundred employees.

24 And then fatalities being those that have
25 been fatally injured at work.

1 Q. Okay. Thank you for that.

2 So the first thing that I want to talk
3 about is your process in developing proposed
4 targets for these metrics, so I will refer you to
5 Exhibit 19 and we are going to be looking at
6 specifically lines 185 to 191.

7 A [Witness complies.]

8 Q. Once again, that is your direct testimony.

9 A. You said Exhibit 18?

10 Q. Exhibit 19, your direct testimony.

11 A. Line number?

12 Q. Starting on line 185.

13 A. Exhibit 19 is the direct testimony from
14 Sam Watkins.

15 Q. The tabs are on -- oh.

16 A. Sorry, the line numbers one more time?

17 Q. We are going to be looking at lines 185 to
18 191. So starting on 185 with the proposed targets
19 and continuing through the sentence ending with
20 "Processes" on line 191.

21 A. Correct.

22 Q. Let me know when you are there.

23 A. Yes.

24 Q. Can I ask you to please read that section?

25 A. Yeah. So the OSHA recordable incident

1 rate target improvements were first compared to --

2 Q. I'm sorry, I will stop you. Please begin
3 with the preceding sentence, "The proposed targets"?

4 A. Absolutely.

5 "The proposed targets are laid out in
6 Tables 209, 210, 211 and 212. OSHA recordable
7 incident rate target improvements were first
8 compared to EEI industry standards.

9 "Then by assessing feasibility from
10 current state related to health and safety
11 matters, a strategy was developed to lead LUMA
12 to an instant reduction nearly 50 percent from
13 the baseline in Year 3.

14 "Similar approaches were taken for OSHA
15 fatalities, OSHA DART rate" -- I think that
16 "OSHA fatalities" is a typo. It should
17 probably say "severity."

18 "OSHA fatalities and OSHA DART rate in
19 terms of setting targets based on the goals in
20 safety systems and processes.

21 "OSHA severity rate targets rely
22 significantly on external factors outside of
23 LUMA's control.

24 "For that reason, targets were set with
25 the goal to improve performance, providing

1 flexibility to the extenuating circumstances
2 that exist."

3 Q. Okay. Great. Thank you.

4 So just to confirm the correction that
5 you made, you've indicating that OSHA fatalities is
6 a type of -- that's on line 189, and that batch
7 should actually indicate --

8 A. "Severity rate."

9 Q. "Severity rate."

10 A. Yeah.

11 Q. First of all, concerning those tables
12 referenced in line 185, I want to confirm that those
13 are pointing to the tables in the revised Annex IX?

14 A. That's correct.

15 Q. Okay. And that's the most recent version
16 of the revised Annex IX?

17 A. That's correct.

18 Q. Let's turn over to that file, that's
19 Exhibit 11.

20 A [Witness complies.]

21 MR. SEILHAMER: You need just to
22 clarify the exhibits marked by the Bureau, not the
23 ones that LUMA has marked, because that's a
24 document they provided.

25 THE WITNESS: Okay.

1 MR. SEILHAMER: Your Exhibit 11 is
2 still going to be the one that you're looking at.
3 Correct, at the end of the --

4 THE WITNESS: Okay.

5 MS. MERCADO: For the record, I
6 think it was the exhibit that was marked yesterday.
7 It should be in your -- you should have it.

8 MR. SEILHAMER: The exhibit over
9 here? Okay.

10 MS. MERCADO: Yes.

11 MR. SEILHAMER: Okay.

12 BY MR. HAVUMAKI:

13 Q. So again, this is Exhibit 11 and it is the
14 revised Annex IX file revised October 28, 2022; is
15 that correct?

16 A. That's correct, yeah.

17 Q. So I want to turn to those tables that
18 were referenced. We can look specifically at
19 Table 2.9, which I believe is on page 25, but I'll
20 let you confirm that.

21 A. Confirmed.

22 Q. Please read the heading for Table 2.9.

23 A. "OSHA Recordable Incident Rate."

24 Q. Okay. So I want to actually take a look
25 at the specific targets that are provided there and

1 then talk about how they were developed.

2 So first of all, in the section that we
3 just reviewed from your direct testimony, you
4 indicated that a strategy was developed to lead
5 LUMA to an incident reduction near 50 percent from
6 the baseline in Year 3.

7 A. Um-hmm.

8 Q. And that statement was made concerning the
9 OSHA recordable incident rate targets, which are
10 what we're looking at on Table 2.9; is that right?

11 A. Yes, that's correct.

12 Q. So can you please just explain to me
13 specifically how that is reflected in the targets in
14 the table?

15 A. Yeah. So the proposed baseline for LUMA
16 was 8.75 and the Year 3 target is 4.20, so 4.20 --
17 it's not exactly 50 percent, but it's approximately
18 50 percent of 8.75.

19 Q. Okay. That makes sense.

20 So now I'm wondering if you could just
21 explain a little more about -- that kind of
22 provides the kind of macro view or trajectory from
23 the baseline to the target for Year 3. And that's
24 the target at the 100 percent performance level?

25 A. Yes.

1 Q. I'm wondering if you could just explain a
2 little bit more about how those intermediate year
3 targets were developed. You know, if you were going
4 to graph them, they would show a trajectory. How is
5 that developed?

6 A. Yes, so under the existing OMA that was
7 signed in June of 2020, I believe, there were
8 agreed-to rates under Annex IX for the OSHA total
9 recordable injury rate. And it had target
10 thresholds at each of those different tier levels
11 already established as part of the agreement.

12 So, obviously, we updated those numbers
13 with the filings as we got additional information.
14 But the overall trend lines that were agreed to in
15 the OMA were carried forward for subsequent
16 Annex IX revision.

17 Q. So just to make sure that I understand.
18 You're saying that the rate of improvement was
19 retained, but some of the key parameters, like the
20 baseline in that third-year target were changed?

21 A. That's correct.

22 Q. Okay. Can you just explain a little bit
23 more about how the targets for the other --
24 yesterday we called them tiers -- other incentive
25 levels that were developed?

1 A. Yes.

2 Q. So sort of similar to what you just
3 explained for the 100 percent.

4 A. So -- yeah. So -- again, so there were
5 targets -- all of those tier levels for OSHA injury
6 rate were outlined in the executed versions in the
7 operations and maintenance agreement.

8 So for example, for 150 percent, we
9 already had the executed version in the operations
10 and maintenance agreement had values assigned for
11 those based on what we had learned during the
12 contract negotiations stage.

13 So we kept that same ratio of performance
14 to achieve the different tier levels that was in
15 the OMA in our subsequent revisions of Annex IX.
16 Does that make sense?

17 Q. So I'm looking here in Table 2.9 at the
18 "125 Percent Column," and I see that the Year-3
19 target is 3.45; is that correct?

20 A. That's correct.

21 Q. So would I be correct in concluding that
22 if we took the ratio of the Year-3 value to the
23 baseline in the table 2.9 that we're looking at
24 together now --

25 A. Yes.

1 Q. -- that ratio would be the same as the
2 ratio in the OMA, it's just that the baseline would
3 be different?

4 A. The other change that we made -- so based
5 on our assessment of the data in the programs that
6 were proposing in part of our system remediation
7 plan, we also determined that we could achieve a
8 value more aggressively.

9 So the Year-3 targets that we're
10 proposing are very similar to the Year-5 targets
11 that were executed in the OMA.

12 So we determined that we could achieve
13 performance faster with our proposed increment
14 program. So it would be very similar to the
15 125 percent threshold for the Year 5 in the
16 original OMA.

17 Q. You know, given that you're kind of --
18 you're speeding up attainment?

19 A. Yes.

20 Q. You're presenting a more accelerated
21 course here?

22 A. Yes.

23 Q. The increments between years, like from
24 Year 1 to Year 2 and Year 2 to Year 3, is it correct
25 to -- am I understanding correctly that those

1 relative year-on-year improvements here are based
2 upon the year-on-year improvements from the OMA?

3 A. Yes. To the best that we could do it,
4 yes.

5 Q. And is it also correct to conclude that
6 the ratios or the relationships between the targets
7 at the different tiers for a given year are similar
8 to --

9 A. That's correct.

10 Q. I should complete my sentence.
11 -- similar to what was contained in the
12 OMA?

13 A. Yes. Thank you for the clarification.
14 And the answer is yes.

15 Q. I want to turn back to that section from
16 your direct testimony.

17 A [Witness complies.]

18 Q. Again, that's lines 185 to 191. Let me
19 know when you are there, please.

20 A. Yes, I'm there.

21 Q. I want to look at line 186 where you
22 indicate that OSHA recordable incident rate target
23 improvements were first compared to EEI industry
24 standards then by assessing feasibility from its
25 current state related to health and safety matters.

1 **Can you speak a little bit more to those**
2 **EEI industry standards?**

3 A. Yes, what specific area would you like to
4 know more about?

5 **Q. Well, can you speak to how those standards**
6 **compare to what has been proposed?**

7 A. Yes. So the EEI, the Edison Electric
8 Institute, for the record, is a collection of
9 private transition industry distribution operators.
10 And so organizations voluntarily provide their
11 injury -- their occupational injury data to the
12 organization using similar metrics to what we
13 proposed, which are our executed metrics in the
14 operations and maintenance agreement.

15 The numbers vary from year to year, but
16 the industry average total reportable injury rate,
17 to the best of my knowledge, is approximately 2.5
18 just for this given year.

19 The industry average DART rate is
20 approximately between 1.6 and 1.8, and the severity
21 rate tends to vary a little bit more because of the
22 nature of the calculation, but it's approximately
23 30 to 40.

24 **Q. And the fatality rate?**

25 A. That, again, varies. I can't remember

1 what the specific fatality rate is from the Edison
2 Electric Institute.

3 Q. Thank you for that.

4 I want to look again in that cited
5 section to the final sentence where you indicate
6 that:

7 "Similar approaches were taken for OSHA
8 severity and OSHA DART rate in terms of setting
9 targets based on the goal to improve safety
10 systems and processes."

11 Can you please explain specifically what
12 you mean by "similar approaches" in this sentence?

13 A. Yes. So by "similar approaches" for OSHA
14 DART rates, the exact same methodology was applied.
15 So if you compare the recordable injury rate target
16 with the DART rate targets, you will see the
17 percent improvements required to achieve each
18 milestone is equal between the two metrics.

19 So, for example, if we are going to make
20 a 30 percent improvement to reach a target within
21 occupational injury rate in one year, we're
22 required to make the same 30 percent improvement to
23 hit a target for DART rate.

24 The severity rate is not quite equal
25 because there's a lot more variability with

1 severity rate -- with the calculation of severity
2 rate in a given year. So it's not as aggressive as
3 a proposed improvement.

4 Over the three-year target, it's
5 approximately a 40 percent improvement to achieve
6 the target threshold. But the bounds are kept the
7 same.

8 Q. Okay. And were those all developed with
9 reference to EI industry standards?

10 A. So with reference to the EI standards,
11 it's LUMA's long-term goal over the 15 years of the
12 contract that we would be a transition distribution
13 system, you know, if it was brought up to industry
14 standards service that we would be competitive with
15 the EEI standards.

16 Q. Okay. Thank you for that.

17 I'm going to direct you to a new exhibit.
18 We are going to be looking at the regulations for
19 performance incentive mechanisms, which we entered
20 yesterday, that is Exhibit Number 12.

21 A [Witness complies.]

22 Q. So please let me know when you are there.

23 A. I have Exhibit 12.

24 Q. Okay. So can you please turn to Section
25 7.1?

1 A. Yes.

2 Q. Okay. Turning to Principle B.

3 A. Sure. Yes.

4 Q. Can you please read that aloud?

5 A. [Reading:]

6 "Performance incentive mechanisms should
7 induce behavior consistent with public policy
8 that would not otherwise occur to a sufficient
9 degree in the absence of the performance
10 incentive mechanism."

11 Q. Thank you for that.

12 So first of all, I should actually ask
13 you just as a preliminary matter: Are you familiar
14 with this document and these principles?

15 A. Generally, yes.

16 Q. And did you consider these principles in
17 formulating your recommendations for the metrics
18 that we have been discussing?

19 A. As Mr. Hurtado stated yesterday, the
20 principles were considered in developing all
21 performance recommendations.

22 Q. Okay. And did you personally consider
23 these in your process of developing your
24 recommendations?

25 A. So Mr. Hurtado introduced these metrics.

1 I didn't review the specific document when I was
2 developing the performance entries.

3 Q. But you are aware of the principles as a
4 key consideration in the process?

5 A. That's correct, yes.

6 Q. Okay. So I want to ask you about the
7 specific target that you proposed. And I want to
8 ask you about how they relate or how this principle
9 relates to the proposals that you have made.

10 So first of all, I want to consider the
11 proposed OSHA recordable injury rate.

12 In your opinion, is that -- are the
13 targets that have been proposed for that principle
14 consistent with the principle that we just --
15 sorry. I'll start again.

16 Are the targets that have been proposed
17 for that metric consistent with this principle?

18 A. Yes.

19 Q. Can you please explain.

20 A. So under OSHA regulations and generally
21 speaking, companies are not incentivized to improve
22 OSHA reportable injury rates. Most organizations
23 set it as an internal target as a performance
24 measure.

25 But there's no direct compensation tied

1 to improvement in OSHA recordable injury rate. We
2 feel it's really important as an organization that
3 when you are comparing the performance of the PREPA
4 compared to the industry averages, a significant
5 area required for improvement in accordance
6 with the -- with public policy. So we felt it was
7 really important -- it was critically important to
8 treat it as a performance metric.

9 Q. So are you suggesting that in the absence
10 of this performance incentive mechanism, you do not
11 believe that LUMA would achieve the target
12 performance -- the performance levels that have been
13 targeted by this metric?

14 A. I don't know if I could confidently
15 answer that affirmatively. I don't know. I don't
16 know.

17 Q. But you are indicating that -- without
18 this metric in place, your understanding is that
19 there are not other incentives to motivate LUMA to
20 improve in this domain or in the various domains?

21 MS. MERCADO: I'm going to object.
22 It's misstating the prior testimony.

23 MR. SEILHAMER: Denied.

24 THE WITNESS: So could you repeat
25 the question.

1 MR. HAVUMAKI: Yes.

2 BY MR. HAVUMAKI:

3 Q. I believe what you said is that LUMA
4 doesn't have an incentive absent this PIM, or
5 outside of this PIM to make the targeted
6 improvements; is that correct?

7 A. LUMA does not have a financial incentive
8 to make those -- without a performance metric.

9 Q. Are there non-financial incentives to
10 improve in these domains?

11 A. Yes. So there have been many studies
12 that have indicated that improved safety
13 performance generally results in improvements in
14 other metric areas.

15 Q. Could you elaborate on any of those
16 studies?

17 A. I'm not particularly familiar with them
18 so...

19 COMMISSIONER MATEO: Commissioner
20 Mateo, just for the record.

21 Mr. Clark, what kind of mechanisms
22 OSHA uses to promote or foster the reduction of
23 injuries and the other incidents or events that
24 they are trying to protect employees from?

25 MR. CLARK: Yeah. So the principal

1 mechanism OSHA uses is a direct regulation of the
2 specific types of hazards that could be present in
3 the workplace.

4 So, for example, OSHA has a series
5 of regulations for operation of the electrical
6 transmission distribution systems that outlines
7 specific safety rules for the hazards that workers
8 are exposed to.

9 And the principal mechanism is
10 through compliance enforcement of those specific
11 regulations to ensure that the public interest is
12 maintained and reducing the recordable injuries.

13 COMMISSIONER MATEO: So they issue
14 rules that you should follow. What happens if you
15 don't follow them?

16 MR. CLARK: So if there's evidence
17 of a noncompliance with an OSHA regulation, they
18 have the authority to do an inspection on your work
19 site.

20 And then based on that inspection,
21 they will evaluate the regulations that are
22 applicable to your area of business and can -- if
23 you're out of compliance with the regulation, they
24 have a series of administrative tools that they
25 could use, including warnings or fines.

1 COMMISSIONER MATEO: Thank you.

2 BY MR. HAVUMAKI:

3 Q. Sir, I want to refer you to -- again,
4 within the regulation for performance incentive
5 metrics, which is Exhibit 12, Section 7.9, Principle
6 B.

7 A [Witness complies.]

8 Q. Could you please read that aloud.

9 A. [Reading:]

10 "Performance incentive mechanisms should
11 induce behavior consistent with public policy
12 that would not otherwise occur to a sufficient
13 degree in the absence of the performance
14 incentive mechanism."

15 Q. I'm sorry. D, Principle D?

16 A. Sure. [Reading:]

17 "Performance incentive mechanisms shall
18 focus on performance areas within reasonable
19 control of the affected companies."

20 Q. Okay. Thank you.

21 And can we -- we'll turn back now -- we
22 are going to do the same thing we just did before
23 where we look at an element of your proposal and
24 kind of discuss it in light of the principles.

25 So I would like you to look back to your

1 direct testimony to line 192.

2 A [Witness complies.]

3 Q. Let me know when you are there.

4 A. I'm there.

5 Q. Okay. And can you please read that,
6 starting with "OSHA severity targets."

7 A. [Reading:]

8 "OSHA's severity targets rely
9 significantly on external factors outside of
10 limit control.

11 "For that reason targets were set with the
12 goal to improve performance but providing
13 flexibility to the extenuating circumstances
14 that exist on a case-by-case basis."

15 Q. Okay. Thank you for that.

16 So I'm hoping that you can kind of help
17 me to understand, sort of to reconcile these two
18 elements.

19 On the one hand we have the principle
20 that we just examined that, you know, stresses the
21 importance of performance being within, quote,
22 "reasonable control of the companies."

23 A. Yes.

24 Q. In your direct testimony you indicate that
25 the severity targets are significantly impacted by

1 external factors; is that correct?

2 A. That is correct, yes.

3 Q. So could you please speak to your
4 statement in light of this principle.

5 A. Yes. So the statement is intended to
6 state that severity targets have a high degree of
7 variance, of fluctuation, depending on external
8 factors.

9 That being said, LUMA does have through
10 its systems, programs that are proposed in the
11 remediation plan a large ability to influence the
12 overall trend and improvement of severity rate
13 targets.

14 However, there is always going to be a
15 higher degree of variability just in the way the
16 method, the target is calculated. That, for in a
17 given year, based on one or two specific injuries,
18 can cause your severity rate to increase
19 significantly.

20 So there are external factors that cause
21 a higher degree of variability. But it's still
22 significantly within the limits control to
23 development programs to improve the trend.

24 Q. So just to make sure I understand, when
25 you say "variability," do you mean like year-to-year

1 **fluctuations?**

2 A. That's correct.

3 **Q. Okay. Thank you for that.**

4 MR. HAVUMAKI: I don't have any
5 further questions.

6 COMMISSIONER MATEO: Do you have
7 any?

8 CHAIRMAN AVILES: No.

9 EXAMINATION BY THE PANEL

10 COMMISSIONER TORRES: This is
11 Commissioner Torres.

12 BY COMMISSIONER TORRES:

13 **Q. You had mentioned that OSHA proposes fines**
14 **and warnings to the company if they don't comply**
15 **with the OSHA requirements.**

16 **Would this be an incentive enough for**
17 **LUMA to improve its compliance with OSHA or do you**
18 **need a monetary incentive to improve that**
19 **performance?**

20 A. It's of value to LUMA to improve safety
21 performance. And so LUMA would put in measures to
22 improve safety performance. But I cannot say to
23 what degree we would prioritize the initiatives, if
24 it were a performance target, or if we were only
25 subject to the administrative penalties under OSHA,

1 I'm not sure.

2 COMMISSIONER TORRES: Okay. Thank
3 you.

4 BY COMMISSIONER MATEO:

5 Q. I have a question.

6 Just when you mentioned the potential
7 scenario of being fined by OSHA for noncompliance.
8 Who would pay for that fine?

9 A. There are provisions for the payment of
10 fines under the OMA. I am not familiar with those
11 specific sections, so I'm not sure.

12 Q. But would you say that if LUMA is the one
13 operating the system, is in charge of what's
14 happening and in control, that it would be unfair
15 for the rate payors to pay them?

16 MS. MERCADO: I'm going to
17 respectfully object. It's calling for speculation.

18 MR. SEILHAMER: Denied.

19 MR. CLARK: So what I will say is
20 there are many OSHA regulations that apply to many
21 areas of the business.

22 There's a remediation plan that
23 outlined a number of areas that -- you know, we
24 have programs in place to achieve compliance with
25 targets and regulations, and, you know, within the

1 limitations that we have available to us.

2 So I think it sort of depends on the
3 circumstances. But as to a specific violation,
4 OSHA has a large number of regulations that could
5 result in fines and penalties. So it depends on
6 the circumstances.

7 COMMISSIONER MATEO: You didn't
8 answer my question, but I think I know what the
9 answer would be.

10 So thank you anyways.

11 THE WITNESS: Okay.

12 MR. SEILHAMER: So we are going to
13 then proceed -- do we have additional questions for
14 this witness?

15 MR. HAVUMAKI: No further questions.

16 MR. MURTHY: I don't have any
17 questions.

18 MR. GRIFFIN: No, next one.

19 MR. SEILHAMER: Okay. So we are
20 going to then go to the next witness.

21 Thank you.

22 MS. MERCADO: I think the next
23 witness is Diane --

24 MR. SEILHAMER: Let me confer to see
25 if that's the next one in order.

1 MR. GRIFFIN: Our plan was to talk
2 about reliability.

3 MS. MERCADO: Okay.

4 MR. GRIFFIN: We should actually
5 shift.

6 MR. SEILHAMER: Okay.

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1 DON CORTEZ
2 having been previously duly sworn, was examined and
3 testified as follows:

4 EXAMINATION

5 BY MR. GRIFFIN:

6 Q. Good morning, Mr. Cortez.

7 A. Good morning, Commissioners, and
8 everybody.

9 Q. Can you state your name and position for
10 the record.

11 A. Yes. Don Cortez. I work at LUMA. My
12 current position is vice president of special
13 projects.

14 Q. Okay. Can you state your role in relation
15 to the other witnesses providing testimony.

16 A. Yes. I am here to support the five
17 reliability metrics:

18 One is the SAIDI;

19 The other one is SAIFI;

20 And inspection metrics for this region;

21 Inspection metrics for transmission;

22 Inspection metrics for substations.

23 And I was part of the front-end
24 transition team that worked with P3 and a
25 consultant and developing these metrics.

1 Q. Okay. I think that covers my third
2 question, your role in developing the proposals.

3 Is there anything further than what you
4 just said?

5 A. Well, I was a lead in the committee. We
6 worked with several other people within LUMA to do
7 so.

8 Q. Okay. Thank you.

9 Could we move to your direct testimony?
10 I believe that's Exhibit 10.

11 A [Witness complies.]

12 Q. Can you open that to line 44?

13 A. Okay.

14 Q. And this is referencing -- this is
15 referencing the revised OMA that was submitted where
16 LUMA had proposed changing some of the metrics; is
17 that correct?

18 A. It talks about the exhibits attached to
19 my testimony, which would be SAIDI, SAIFI, and the
20 inspections, yes.

21 Q. Okay. Well, can you state for us which --
22 in that filing, which metrics you proposed to
23 remove?

24 A. Yes. We proposed to remove CAIDI, MAIFI,
25 and technical losses, if I remember correctly, and

1 CEMI.

2 Q. Okay. Can we go to line 167?

3 A [Witness complies.]

4 Q. This is the first metric. And these were
5 the ones that were removed.

6 Can you explain what this one is?

7 A. Okay. CEMI, or C-E-M-I, is dependent --
8 it is the number of times a customer has gone out.
9 And it usually has to do with a number you
10 associated that with.

11 Q. Okay. And then further down, the question
12 on line 173 gets to the reasons why it was proposed
13 to remove this.

14 Can you explain that to the Commission
15 and the folks here?

16 A. Yes. I would say there are two basic
17 reasons. Number 1, we have an electrical map that
18 the conductivity is not accurate. There's a lot of
19 missing elements on it.

20 There's also -- we are unsure where some
21 customers are connected to what transformer or what
22 circuit. So when you try to summarize, and find
23 the customer, it's difficult to take down how many
24 outages a customer has had.

25 And so our OMS is not really able to

1 really produce accurate results.

2 Q. And I think in the lines 180 to 183, there
3 are a number of activities that you are talking
4 about that you are working on in coming years to
5 address that.

6 So could you summarize those for us?

7 A. Yes, that is correct.

8 What happens is there's no way, we've
9 tried to really find it in the office, the
10 methodology of kind of looking. We really can't do
11 it. We have to go in the field, try to find the
12 customer and tie him to the particular transformer
13 or circuit or a fuse lateral. And many times the
14 address of the customer is also challenging to
15 find.

16 Q. Was that the only activity -- I think this
17 referred to a few activities that were needed to --
18 that LUMA was working on.

19 Is that the only one?

20 A. Well, we would have to update our OMS and
21 our maps accordingly.

22 Q. Okay. Here you testified that these were
23 starting in Year 1, approximately; not now. What's
24 the status of those activities?

25 A. As I mentioned earlier, we try to do

1 a lot of this activity from an office perspective,
2 but we've failed. We've tried different
3 methodologies to try to do that, trying to avoid a
4 field trip. But we have not been very successful.

5 We have found a few hundred, but nothing
6 substantial.

7 Q. Okay. So I understood that -- yeah, those
8 are the reasons that LUMA proposed to defer the
9 metric. Do those all still apply today?

10 A. Yes, those apply.

11 Q. Okay. Thank you.

12 Can we move on to the next one being
13 proposed on the next page, line 187, MAIFI.

14 Can you first explain what MAIFI is?

15 A. Yes. MAIFI is the average number of
16 momentary outages that a customer experiences.

17 Q. Okay. And is this a standard reliability
18 metric in the industry?

19 A. Yes, it's covered in IEEE 1366 standard.

20 Q. Okay. And then lines 194 and 195, here
21 you're explaining the reasons why LUMA is proposing
22 to defer this metric. Can you summarize those?

23 A. Yes. Our current energy management
24 system, known as the EMS, is basically the brain of
25 the utility. It ties to substations and it

1 controls substations and the breakers.

2 It is outdated and unable to produce
3 records that allows to calculate MAIFI.

4 Q. And I think in here you provided a target
5 for the replacement of that system -- sorry, a
6 target is referring to a lot of things here -- an
7 estimated date, actually, is targeted in the
8 testimony as well.

9 But your timeline for replacing that, is
10 that still consistent with the testimony here?

11 A [No audible response.]

12 Q. In here it says, I think, four to five
13 years was estimated in 2021.

14 A. Yes.

15 Q. So is it on track? Does that seem fine,
16 or --

17 A. It's on track. I can give you the
18 current status, if you wish.

19 Q. Sure.

20 A. We were able to get it authorized by
21 FEMA. So FEMA obligated some funding for it.

22 We sent out an RFP. And we currently are
23 analyzing -- well, we analyzed the responses and
24 procurement is working to finalize the contract.

25 After the contract is finalized, it will

1 take between two and three years to implement.

2 It's not just a substation work as well.

3 Q. If I'm following that, the total timeline
4 for the schedule of that project is still consist
5 with the testimony that you have provided here?

6 A. That's correct.

7 Q. Okay. Thank you.

8 Could we move on to the next metric, the
9 reduction in network line losses. Can you just
10 quickly explain that for the Commissioners and for
11 the folks online?

12 A. Yes. Line losses measures the energy
13 lost in the wires of the company, all the way from
14 the meters to the transmission lines, the
15 substations and transformers.

16 But what's important about that is in
17 number one, you have to have the correct electrical
18 diagram, which I've testified earlier, that we
19 don't have.

20 And to be truly accurate, you also need
21 to measure the energy coming into the system. And
22 today we do not have meters between the PREPA
23 generation, legacy generation, and so we don't know
24 exactly how much energy is coming in from the PREPA
25 generation. We estimate it, but it's an

1 estimation.

2 We also have meters that are not modern
3 smart meters, so we only get one reading a month.

4 And an additional complication that we
5 have to work through now is that we have 68,000 net
6 meters that are only measuring one reading a month.

7 So that also possibly can provide energy
8 into the system.

9 Q. Okay. So there's more work to do before
10 you have all of the information needed for this
11 metric?

12 A. That's correct.

13 Q. I'm on line 209 that you discussed what's
14 needed.

15 Can you share what's required and is that
16 still on the timeline that was provided here?

17 A. We talked about doing a loss study. And
18 what we did, we did a loss methodology on how to
19 perhaps calculate losses. But the estimation is
20 still too great. So it's not enough to really
21 define metrics from it.

22 Q. Okay. And does that mean to conduct that
23 in Year 1, but you're saying you don't have the
24 necessary data yet to start that loss study; is that
25 correct?

1 A. The data -- yes, the mapping system data.

2 **Q. And so what's the new timeline? Is there**
3 **an updated timeline for all of those pieces coming**
4 **together so that you can conduct the loss study?**

5 A. The timeline for the demarcation
6 metering, the metering from the legacy PREPA
7 generation, is about four calendar years from
8 today, is our current schedule to get all of our
9 metering points.

10 And then for the mapping system, I think
11 it depends a lot on whether we go ahead and do the
12 inspections as called for, or whether we are going
13 to try to do some other method to try to correct
14 the mapping system.

15 **Q. Okay. Thank you for that.**

16 And then just for completeness, there's a
17 **fourth metric, you propose to remove CAIDI. Can**
18 **you provide your -- LUMA's reasoning for that?**

19 A. Yes. CAIDI is the mathematical
20 relationship. It's SAIDI divided by SAIFI.

21 And so we felt that this was not a good
22 metric. And IEEE Standard 1366, the recent
23 addition, 2022, also cautions against using CAIDI
24 as a metric.

25 **Q. Okay. Thank you.**

1 And then we can move forward in your
2 testimony.

3 The next section starting at line 236,
4 you talk about the new metrics that you proposed as
5 substitutes or alternatives to the ones that you
6 are proposing to move; is that correct?

7 A. That's correct.

8 Q. Can you summarize those new metrics?

9 A. Yes. The -- one metric is a distribution
10 in line inspections, which would allow us to know
11 the health of the assets out there for distribution
12 lines.

13 The second one is the transmission line
14 inspections, which, again would allow us to assess
15 the -- or to know the health of the substations.

16 And the third one -- I'm sorry, the
17 transmission lines.

18 And the third one is inspection of
19 substations would allow us to catalog the health of
20 the substation, the substation equipment.

21 Q. Okay. We'll talk about the specific
22 metrics in a second. But I have a couple questions
23 on the proposal to remove the one set of metrics and
24 replace them with a new set.

25 Did you consult with P3 when LUMA was

1 **considering that proposal?**

2 A. Yes, we consulted with P3 and their
3 consultant.

4 **Q. Okay. What was their response when you**
5 **brought this proposal to them?**

6 A. Well, at first they were really
7 questioning the details and why we needed to not
8 include the ones that they had recommended.

9 And so we went through that, explained
10 everything, spent quite a few times working with
11 them on that.

12 And then we came back with the inspection
13 metric. And we spent a lot of time also explaining
14 why we wanted to have those metrics in place.

15 **Q. Did they consider those changes any sort**
16 **of material change to the contract?**

17 A. No.

18 **Q. Okay. Thank you.**

19 Now, let's look at the new metrics you
20 proposed here. All three are inspecting different
21 parts of the transmission distribution system,
22 correct?

23 A. And substation, that's correct.

24 **Q. Yes. Well -- and is there -- are those**
25 **types of inspections standard practice for a**

1 **transmission distribution operator?**

2 A. Absolutely.

3 **Q. Okay. Is it the standard practice for**
4 **taking over a new T&D system?**

5 A. I think -- I don't know what somebody who
6 would be buying another utility would do. I know
7 when we were taking over this operation agreement,
8 we felt that because of the unknown aspects of the
9 system that we felt an inspection was a proper way
10 to start.

11 **Q. Thank you.**

12 **And have you -- in doing these**
13 **inspections, do you have any methodology to tie**
14 **that work to improve reliability metrics?**

15 A. The answer would be yes. It's not the
16 only thing we use. But it would certainly be
17 fundamental for us to map out the improvement of
18 the reliability metrics.

19 **Q. We are going to get to the proposed**
20 **SAIDI/SAIFI numbers, but have you used any -- do**
21 **those estimates incorporate this work that you**
22 **anticipate doing in the inspections?**

23 A. We had anticipated using this work, but
24 in lieu of it, we have used other means to try to
25 get some improvement in the meantime.

1 Q. Okay. Can you give a quantitative
2 estimate of the improvement in SAIDI from the
3 substation inspections?

4 A. I'm not sure that I understand the
5 question.

6 Q. Can you estimate the reduction in the --
7 the outage duration if you complete your inspection
8 plan for substations?

9 A. Right now we have -- we monitor or we
10 document the transmission of substation causes
11 together. I don't know from memory how much that
12 amount is.

13 Q. You don't know -- is there an estimate
14 that's within the company, but you just don't know
15 from memory or does that exist?

16 A. I don't know it from memory. And when we
17 did this -- this improvement -- we were looking at
18 it from the system as a whole.

19 Q. When you say "system as a whole," does
20 that mean all of the --

21 A. The transmission, substation,
22 distribution, the indices as a whole.

23 Q. As a whole. So that would be reflected in
24 the aggregate metrics, then; is that correct?

25 A. That's correct.

1 Q. For each of the inspection programs, do
2 you have a specific estimate for improvements in the
3 remaining reliability metrics that you proposed?

4 You proposed five, three are inspections
5 and two are SAIDI and SAIFI.

6 So does LUMA have what the impact on
7 SAIDI and SAIFI are from the inspection programs?

8 A. We don't know because we haven't
9 inspected. We really don't know the health of the
10 majority of the assets on the system.

11 Q. Okay. Can we go ahead, lines 340 to 370.

12 A [Witness complies.]

13 Q. This is the section where it talks about
14 the analyzed baseline data and develop the targets
15 [inaudible], Exhibit A attached to your testimony?

16 A. Yes.

17 Q. Okay. Can you read the first sentence
18 starting on line 342?

19 A. It says, [Reading:]

20 "Since no reliable historical data exists
21 that indicates whether degree of T&D
22 reliability improvement in general, we expected
23 from a specific level of funds invested in
24 Puerto Rico, LUMA relied upon many years of
25 experience at T&D in various utilities and LUMA

1 currently forecasted annual budgets to estimate
2 an aggressive but attainable annual percent of
3 improvement for the baselines to establish
4 annual targets for LUMA's first three years of
5 operation."

6 **Q. And so through that process you came up**
7 **with the numerical estimates for the hundred percent**
8 **goal for the three years?**

9 A. That's correct.

10 **Q. And just so I'm -- how do I tie the other**
11 **estimated budgets for the -- for the work that you**
12 **are looking to do to operate the system?**

13 You know, there are projects and programs
14 in place. And then what I understand of that
15 response is it was your judgment based on how much
16 percentage of improvement you can get for each of
17 those years.

18 Is that kind of the formula, how it
19 worked?

20 A. Yes. Back when we did this estimate,
21 there were many unknowns --

22 **Q. Yes.**

23 A. -- okay?

24 And so we tried to take all of the
25 unknowns plus not knowing any documented health of

1 the grid, we went and made some visual observations
2 that we could.

3 So we did some visual -- I wouldn't call
4 them "inspections," but visual assessments of
5 substations, transmission lines, and distribution.
6 And looked -- made a judgment call that said: That
7 based on what we see, the rest of the system is
8 probably in the same or worse condition.

9 And so then we looked at the budget
10 constraints we had. And using our experience and
11 reliability improvement and systems, we felt that
12 we could get a 30-year -- 30 percent improvement by
13 year 3 in SAIFI, and a 40 percent improvement in
14 SAIDI by year 3.

15 And then we basically used our experience
16 to adjust how much improvement we could get per
17 year.

18 Q. Okay. And then more than a year has
19 passed since that process was developed the
20 proposals here.

21 So what's changed and what have you
22 learned?

23 A. Well, it seems like an eternity. But,
24 yes, a couple years have passed.

25 Q. So what's changed to underline that

1 **assessment?**

2 A. Well, I would say what has changed is
3 that we now have understood the process for some of
4 the spending of the FEMA money.

5 At first we had anticipated we would be
6 able to spend it faster and get work done faster.
7 And we realized working with FEMA that, at first,
8 they did not have a process -- this was the first
9 time they awarded FEMA dollars to Puerto Rico in
10 this fashion.

11 So FEMA had to work its own internal
12 process. And finally, once we got that arranged
13 and we agreed on a process, the length of getting
14 projects out the door was longer than we
15 anticipated. So that changed. And we now know
16 that.

17 Also, once we commenced operations, we
18 realized that I would say the lack of maintenance
19 was worse than we had anticipated.

20 And so in substations, for example --
21 well, substations and distribution -- we found
22 about 140 circuits out of configuration. And many
23 of them were out of configuration because the
24 circuit breaker in the substation was burnt up or
25 not working.

1 So those are the kind of things that we
2 discovered.

3 **Q. So those are all factors that would be in**
4 **your aggregate assessment. How those are going to**
5 **impact your projections?**

6 A. Well, you already seen some improvement
7 in SAIFI because what we did is we went there and
8 we did some assessments to make sure we improved
9 reliability as much as we could.

10 We did not sit back and wait for all of
11 the full inspections.

12 So we did some assessments and were able
13 to improve SAIFI quite a bit.

14 SAIDI, we're working to improve SAIDI, I
15 would say. And when we took over the system -- the
16 system is an electromechanical system.

17 The electrical grid is electromechanical.
18 So it was deteriorating.

19 At the time we felt that it was
20 deteriorating at an accelerated rate, not a linear
21 rate. In other words, things were failing not
22 linearly aggregating more and more per year, but
23 rather we felt it was on an exponential curve
24 because of lack of maintenance work over a decade.

25 So the system was no longer failing

1 linearly or flat, but it was failing exponentially.

2 So when we calculated in the projection
3 and settled on the baseline for SAIDI, we settled
4 on the fiscal year 2020.

5 But we also estimated had we done that
6 fiscal year 2021, that it decreased SAIDI or it got
7 worse by 14 percent.

8 Now, when we took over, there was this
9 electromechanical system, it really continues to
10 keep failing at an exponential rate until we can
11 arrest and stop that failure rate and then turn it
12 around.

13 So I felt that initially the first months
14 we have been here, we have been able to kind of
15 arrest it and start to turn it around.

16 And I forgot your question, but I hoped I
17 answered it.

18 **Q. That was a helpful explanation.**

19 **Based on that, should the Commission**
20 **consider revising those percentage targets for**
21 **SAIFI and SAIDI?**

22 A. Well, my opinion is if we do it, we would
23 need to look at both of them.

24 **Q. Okay. Is that a yes or no?**

25 A. I think we should consider looking at

1 first data.

2 MR. SEILHAMER: Can you repeat the
3 answer so the Commissioner can hear?

4 COMMISSIONER UGARTE: Please.

5 THE WITNESS: I'm sorry. I said
6 that if we redo the targets with updated data, then
7 we should be fair and look at updating both of
8 them, CEMI and SAIDI.

9 (A discussion was held off the record.)

10 (Reporter requests clarification.)

11 MR. GRIFFIN: Can you spell out the
12 acronyms?

13 THE WITNESS: SAIDI is S-A-I-D-I,
14 and SAIFI is S-A-I-F-I.

15 MR. GRIFFIN: I think he was trying
16 to distinguish between CEMI.

17 THE WITNESS: CEMI is C-E-M-I.

18 MR. GRIFFIN: He was referring to
19 SAIDI and SAIFI at this point.

20 BY MR. GRIFFIN:

21 Q. Can we move to the next page of your
22 testimony, the table on line 380?

23 A. Okay. I'm there.

24 Q. Yes. So you talked through the
25 performance in 2019, 2020, 2021.

1 Can you fill in the next row of this
2 table at least directionally, that you alluded to,
3 for SAIFI; did that metric improve or degrade from
4 what was here?

5 A. If we were to continue this table for the
6 next fiscal year, fiscal-year 2021 -- fiscal-year
7 2022 basically is already over and. But if we
8 had -- if it had continued without any
9 intervention, then it would continue to degrade.

10 For example, between 2020 and -- 2019 and
11 2020, it degraded 28 percent for SAIFI. And
12 between 2020 and 2021 it degraded 4 percent on
13 SAIDI. And when you look at SAIDI, between 2019 at
14 1,156, to 2020 at 1243, it degraded 8 percent.

15 But then when we calculated the
16 degradation for one more year, we felt it was going
17 to degrade at 14 percent and it ended up at 14.18.

18 So if you continued the degradation
19 trend, you will have ended up -- well, it depends
20 on what number we felt the degradation was.

21 But you can see if you simply added
22 another 14 or 10 percent it would have been quite
23 large for a SAIFI number.

24 Q. Are those actual numbers reported by LUMA
25 for fiscal-year 2022?

1 A. The fiscal-year 2022 has been recorded in
2 the metrics.

3 Q. Yes. And so do you have those values off
4 the top of your head?

5 A. For SAIFI, the fiscal-year 2022, off the
6 top of my head, is 7.5, and the fiscal-year 2023
7 for SAIDI was 15.64.

8 Q. Okay. So one improved and one, as you
9 say, continued to deteriorate.

10 A. That's correct.

11 Q. Okay. And then your expectation based on
12 the other set of programs and factors talk about --
13 you talk about arresting the decline.

14 So do you still think those projections
15 that you made are consistent with updated
16 information?

17 A. The projections on the degradation?

18 Q. Sorry, on the improvement percentages.

19 A. I would say that SAIFI, there was
20 improvements we made from things that were clearly
21 obvious as we did some assessments. But it's going
22 to get more and more difficult to improve it from
23 its current state.

24 SAIDI continues to be a challenge as
25 there are many more aspects of the grid that

1 failed, such as an underground cable, for example,
2 and that has a great impact on things like SAIDI.

3 Q. Okay. Thank you. That's helpful.

4 Can we look at the table that's
5 Attachment A of your testimony at the end, Exhibit
6 A.

7 A [Witness complies.]

8 Q. It's all the way back.

9 A. I'm there.

10 Q. The first table there, the one where you
11 have the estimated percentages.

12 Do you have that in front of you?

13 A. On Table 5?

14 Q. I don't have this one marked here, but --

15 A. This is the SAIFI table?

16 Q. Yes. Oh yeah, I see here, five and six.
17 And it's done in percentages and then the next
18 table, the next page --

19 MR. GRIFFIN: We're good.

20 MR. SEILHAMER: Can we take a
21 two-minute recess and we'll be right back.

22 MR. GRIFFIN: Sure.

23 [Whereupon, a recess transpired from
24 10:52 a.m. until 10:57 a.m.]

25 MR. SEILHAMER: We can start with

1 questions.

2 MR. GRIFFIN: Ready to go?

3 COURT REPORTER: Yes, sir.

4 BY MR. GRIFFIN:

5 Q. Mr. Cortez, are you ready to go?

6 A. Yes, sir, I'm ready.

7 Q. Back to Exhibit A, these two tables.

8 Could we start on the "100 percent"
9 column, these are the percentage improvements that
10 we're talking about and you said your basis of
11 estimating these were the funding available, the
12 projects and programs you're looking at, and your
13 best judgment of how to do that.

14 So I would like to talk more about the
15 funding available. It's something that was not
16 really available to your predecessors called the
17 FEMA money going towards these projects.

18 So do these projected improvements
19 anticipate -- is this what you were thinking could
20 be done in the next three years with that available
21 funding?

22 A. Yes, it was. We really had included a
23 small delay, but not the delay that we encountered.
24 But we had incorporated using the FEMA funds to get
25 to these targets.

1 Q. Okay. But then these targets would be a
2 strong incentive for you to do everything possible
3 to get the projects done and the funding on ground,
4 understanding the factors that are out of your
5 control; is that correct?

6 A. That's correct.

7 Q. Can we look at -- those are the 100
8 percent targets. Can we look again at the tiers
9 across.

10 Can you explain how you developed --
11 let's talk about the tiers below 100 percent, the
12 25 and the 50.

13 A. Okay. You're referring to from
14 25 percent up to 150 percent?

15 Q. Yes.

16 A. Okay. Yes. What we did is once we
17 looked and considered all of the factors that you
18 were mentioning, plus electrical, what we felt was
19 the state of the grid, if things did not go as
20 planned, or we felt that it was worse than we
21 anticipated, then we said: Well, here is how it
22 might be -- based on our experience -- that we can
23 improve, considering a worst-case scenario and a
24 best-case scenario.

25 And then it was kind of like a straight

1 line from the minimum performance to the
2 150 percent performance.

3 Q. So when you say worst-case performance,
4 that outlines what the percentage of minimum
5 performance, that would be a zero percent -- that's
6 the second column?

7 A Let me rephrase that.

8 Not the worst-case performance, but
9 worst-case scenario for us to improve. If we had
10 more problems on the grid than we anticipated, then
11 that was our minimum target.

12 Q. Which column was that?

13 A. That's the 25 percent.

14 Q. Okay. As outlined -- what's the best-case
15 outline?

16 A. Best case would be the 150 percent.

17 Q. What was your -- is there a numeric
18 estimate of what worst case -- what defines the
19 worst case and the best case?

20 A. If we -- we looked at it in terms of what
21 we found out on the grid, we were trying to
22 improve, and what we said is: Well, let's -- if
23 the grid is much worse than we thought and it was
24 based, again, on experience and what we saw at the
25 time, and we said: We can at least improve it by

1 X amount, and that would be the minimum
2 performance.

3 Q. Okay. Was there a specific percent or a
4 specific number from the reliability in each of
5 these indices that defined that?

6 A. Well, we first started with the
7 100 percent.

8 Q. Okay.

9 A. And then from there, we went -- well,
10 what if what we were expecting at that point is
11 much worse from the grid perspective or much better
12 from the grid perspective.

13 Q. Those are your upper and lower bounds?

14 A. That's right.

15 Q. Let's talk the baselines.

16 Let's talk about SAIFI; how do you
17 establish the baseline?

18 A. The baseline was established by looking
19 at PREPA's past performance and then working with
20 the Commission, we agreed on the methodology of
21 using IEEE Standard 1366.

22 So the commission ordered PREPA to go
23 back and redo all of their Indices based on
24 1366 -- the Standard IEEE 1366, 2012.

25 Q. You alluded to fiscal 2022 performance on

1 safety was what number?

2 A. Well, what we just reported?

3 Q. Yes.

4 A. For fiscal-year '22, for SAIFI?

5 Q. For SAIFI.

6 A. 7.5.

7 Q. Okay. So you were above the baseline then
8 and under the proposal you would have potentially --
9 or if this proposal was adopted you would have
10 earned some incentive reward for that performance.

11 A. That's correct.

12 Q. Can we talk about SAIDI?

13 So, similar question on the baseline, how
14 was the baseline set?

15 A. The baseline was set in similar fashion
16 as SAIFI. We took PREPA's data and then calculated
17 based on the IEEE 1366, worked with the Commission
18 and explained to them why PREPA's data didn't match
19 or the methodology outlined in IEEE 1366, the
20 Commission agreed and ordered PREPA to go back and
21 redo their numbers.

22 So PREPA went back and recalculated the
23 SAIDI and that's when we came up with the SAIDI
24 baseline.

25 Q. Okay. And similar question again: The

1 **fiscal 2022 performance for SAIDI was what?**

2 A. 1564.

3 **Q. And so since that's a higher number,**
4 **that's a worse performance than the baseline; is**
5 **that correct?**

6 A. That would not be -- that would not hit
7 the 25 percent minimum for us.

8 **Q. Okay. But it's above the baseline, right?**
9 **It's above --**

10 A. It's a higher than the baseline, that's
11 correct.

12 **Q. And then the implications under the terms**
13 **of the OMA, this is one of the key performance**
14 **metrics; is that right?**

15 A. That's correct.

16 **Q. So if you were on this baseline above the**
17 **minimum performance level, what implications are**
18 **there for that?**

19 A. Well, Number 1, we would not get the five
20 points allotted for that.

21 **Q. Okay.**

22 A. And then it would be one situation where
23 the key performance metric was not met.

24 **Q. Okay. And you said that you would have --**
25 **we talked about this yesterday, right? Three years**

1 in a row where you met the threshold.

2 A. Yes. It's what Mr. Hurtado testified
3 yesterday.

4 Q. Okay. Thank you.

5 MR. GRIFFIN: No further questions.

6 MR. SEILHAMER: Commissioner Ugarte,
7 you can ask questions of the witness.

8 EXAMINATION OF DON CORTEZ BY THE PANEL
9 BY COMMISSIONER UGARTE:

10 Q. You stated before -- was it not your
11 testimony -- that you have three metrics that are
12 CEMI, MAIFI, and CAIDI, right?

13 A. That's correct.

14 Q. Do you think LUMA would [inaudible] in the
15 future?

16 A. Commissioner Ugarte, as soon as we have
17 the capabilities, the new EMS in place, and we
18 start tracking MAIFI, then it would give us the
19 ability to set a baseline for MAIFI. And it could
20 be a viable target at that point.

21 CEMI, same thing, we would have to get
22 all of our maps in order, our OMS corrected,
23 working correctly, do a baseline once it's working
24 correctly. And then we could also consider CEMI as
25 a metric.

1 CAIDI I would recommend we do not
2 consider as a metric because of the reasons that
3 I've stated.

4 **Q. Okay. Thank you.**

5 Then you talked about the three other
6 metrics, transmission line, section line and the
7 substation.

8 A. That's correct, Commissioner.

9 **Q. Okay. Why should there be an incentive?**

10 A. That's a very good question.

11 Number 1, it aligns with what I believe
12 is public policy, because when we go and inspect
13 our primary lines, we will be finding those
14 situations that may be a danger to the public and
15 we would fix them.

16 They are also fundamental for the utility
17 to perform better because it's -- they are
18 fundamental databases that are needed for us to
19 operate more effectively.

20 If we know that -- do you want me to give
21 an example, Commissioner?

22 **Q. Please do.**

23 A. Say, for example, that Mr. Curtis calls
24 in an outage, but I can't find him on a map. Then,
25 Number 1, I can't tie him to the circuit or to the

1 transformer that may or may not be out.

2 But if I knew that Mr. Curtis was tied to
3 this transformer, to this circuit, and Mr. Curtis
4 called in, I already knew that circuit was out, I
5 could immediately inform Mr. Curtis that: We know
6 you're out. We know that's the situation. We can
7 repair it in X amount of time.

8 If I don't know where Mr. Curtis is tied,
9 then he becomes a single-outage case and it is more
10 difficult for us to resolve because then I need to
11 try to go find Mr. Curtis as to where his -- as to
12 where he is.

13 And if I can't find him on a map, then
14 it's very difficult to restore him more
15 effectively. Okay.

16 And keep in mind, it's not just one, we
17 have hundreds of this kind of situation. So we
18 can't be as effective if we don't know exactly
19 where your service is located.

20 COMMISSIONER UGARTE: Okay.

21 I'm just looking. You've answered
22 other things. I'm done.

23 COMMISSIONER TORRES: This is
24 Commissioner Torres. Good morning.

25 THE WITNESS: Good morning,

1 Commissioner.

2 BY COMMISSIONER TORRES:

3 Q. In the question made by our consultant,
4 Jay Griffin, I believe he asked you what other
5 companies utilized these metrics, these three new
6 metrics, which is distribution inspection,
7 transmission inspection and substation inspection.

8 And I believe you said you're not aware
9 of other companies that are buying T&D systems that
10 have these three metrics.

11 But since LUMA isn't buying, are there
12 other companies like LUMA that just operates and
13 maintains the T&D system that do have these three
14 metrics?

15 A. I'm not aware of any, Commissioner
16 Torres. That doesn't mean they don't exist, but I,
17 myself, am not aware of any.

18 Q. What's the main objective to include these
19 three new metrics?

20 A. The main objective is for us to have a
21 good grasp of the health of the grid. Because with
22 a good grasp on health of the grid, you can develop
23 a good asset management tool to where we know and
24 we can plan what investments and replacements and
25 maintenance we need to do year after year after

1 year. Otherwise, you're operating the grid blind.

2 I can't plan our investments. I can't
3 come and tell the Commission: This is the state of
4 my grid. Here are the holes that need to be
5 replaced or here are the lines that need to be
6 replaced.

7 I cannot give you a good answer on the
8 health of their system.

9 I can go and inspect one line and give
10 you that on one line. But it is our opinion that
11 to operate the grid more effectively, you really
12 need to have the health of the grid in totality.

13 **Q. Okay. Thank you.**

14 **I would like -- if you could go to**
15 **Exhibit 11, which is Annex IX of October 28, 2022.**

16 **A. I'm sorry, Commissioner, what was that?**

17 **Q. Annex IX -- Exhibit 11, go to page 2028.**

18 **A. I'm there, sir.**

19 **Q. And Item Number 8 and it says**
20 **"Description."**

21 **Can you please read that paragraph?**

22 **A. [Reading:]**

23 "The additional regional line inspections
24 and target corrections metric will assess the
25 fiscal integrity of the poles, structures

1 components and equipment, providing data to
2 develop an overall health rating to identify
3 serious safety issues to either the public or
4 worker that would result in high-priority
5 attention by LUMA."

6 **Q. Okay. Is this the same description for**
7 **the other two metrics?**

8 A. It is the same description basically for
9 the transmission lines. And I believe it's the
10 same one for substations as well. It's a little
11 bit different for substations.

12 **Q. Okay. But all three of them says,**
13 **"Serious safety issues to either the public or**
14 **workers."**

15 A. Yes.

16 **Q. Would serious safety issues, would that**
17 **include death?**

18 A. Would that include -- I'm sorry --

19 **Q. Death, death, muerte.**

20 A. Oh, death. Yes, of course.

21 **Q. So you're saying that you need an**
22 **incentive to avoid those serious safety issues for**
23 **the public?**

24 A. No, that's not -- that was not my intent
25 to imply that. What this would do is it would

1 align our budget, it would allow us to give you a
2 better idea of the health of the grid.

3 So to me it would allow us to operate the
4 grid more effectively. And finding systems that
5 will pose a serious injury will always be corrected
6 whether we do a formal inspection or not.

7 But having a formal inspection allows us
8 to carry that out in more organized fashion.

9 COMMISSIONER TORRES: Okay. Thank
10 you.

11 THE WITNESS: You're welcome, sir.
12 BY COMMISSIONER MATEO:

13 Q. This is Commissioner Mateo for the record.

14 Mr. Cortez, we keep hearing about the
15 condition of the system, how bad the system is.

16 But when LUMA entered into the contract,
17 you had an understanding of the condition of the
18 system based on your due diligence.

19 After you have been operating the system
20 for more than a year, I would have to understand
21 that you have a better handle on the actual
22 condition of the system. And that at some point
23 you have to determine that, you know, as much as it
24 would be convenient to have more systems and
25 couplers [phonetic] and everything, to do that

1 quicker, you need to know how the system is.

2 When are you going to finally know the
3 condition of the system so we can conclusively say
4 that whatever you're proposing to us, it's with the
5 best information and it's based on assumptions that
6 would actually be correct?

7 Because, yes, there are better ways to do
8 this and at other utilities maybe they have the
9 systems and they do it on the map. We don't have
10 the map.

11 When are you going to know the condition
12 of the system in a conclusive manner?

13 MS. MERCADO: I have an objection
14 for the record. The question was argumentative.

15 MR. SEILHAMER: Denied.

16 COMMISSIONER MATEO: Just to
17 satisfy -- and, please, Attorney Mercado.

18 When are you going to know the
19 condition of the system and do you know the
20 condition of the system?

21 THE WITNESS: We know the condition
22 of the system. It is in a deteriorated state. And
23 just like the legislature addressed it in Act 120,
24 and when we did the original assessment when we
25 were doing the transition, we felt it was in bad

1 condition and it is still in bad condition.

2 We have replaced a lot of poles. We
3 have done a lot of replacements, but we have not
4 addressed everything.

5 What this inspection would do, it
6 would give us a more discreet health of the system.

7 BY COMMISSIONER MATEO:

8 Q. So you -- I think that -- I'm not going to
9 enter into an argument. It is common knowledge,
10 public knowledge that the system is in a bad
11 condition.

12 A. Yes.

13 Q. We don't have to be a genius, we don't
14 have to bring LUMA or anybody to tell us that.
15 We're suffering the consequences.

16 In how much detail do you know the
17 condition of the system? Are we still talking in
18 generalities, or have you in these years that have
19 elapsed done the legwork to actually confirm the
20 condition of the system to start projecting and
21 planning things in a way that are not based on: In
22 three years, I'm going to have this software. In
23 four years -- we don't have time for that.

24 CHAIRMAN AVILES: A more
25 straightforward question: Do you already have a

1 total assessment of each part of the T&D system up
2 to date?

3 THE WITNESS: We have an assessment
4 of many parts of the system, the critical
5 substations, majority of the substations.

6 We know that we had 140 breakers
7 that were burned up, for example. Those were
8 precise.

9 We have replaced 50 percent of them.
10 We have 50 percent on order.

11 So we know precise conditions on
12 many of the assets. But, for example --

13 CHAIRMAN AVILES: Can you give me --
14 sorry for the interruption -- can you give me a
15 percent, I mean, LUMA, as of today, knows that the
16 condition of 75 percent of the whole T&D system or
17 80 percent or 90 percent; can you give me that
18 figure?

19 THE WITNESS: We have done
20 high-level assessments of, I would say, the
21 majority of the distribution system.

22 Now, high-level assessment is not a
23 pole-by-pole inspection. So when we say that we've
24 done a high-level assessment, we can give you a
25 condition of the line, but I cannot give you a

1 particular condition of a pole, for example.

2 CHAIRMAN AVILES: I expect that
3 after more than one year in charge of the operation
4 of the system, you will already have 100 percent
5 general assessment of the system.

6 I'm into the details. And the
7 question is: Can you give me a figure of how much
8 do you already assess of the whole T&D system in
9 details -- in details?

10 THE WITNESS: When you say --

11 MS. MERCADO: I have -- just for the
12 record, the first portion of the statement is an
13 argument or a conclusion and I object to that
14 portion of that question.

15 MR. SEILHAMER: Attorney Mercado,
16 this is an administrative hearing. Rules of
17 evidence don't apply. It's a flexible environment.
18 He has the discretion to ask questions and to make
19 statements as he has done.

20 So the objection is denied.

21 MS. MERCADO: I would --

22 MR. SEILHAMER: The objection is
23 denied.

24 MS. MERCADO: I just would state for
25 the record that there are due process -- I know

1 this is flexible, but there are rules that apply.
2 And if I am just allowed to state them for the
3 record, that's all I ask.

4 And I didn't object to the whole
5 question. It's just the first portion of it.

6 MR. SEILHAMER: We answered your
7 objection. We take notice of it.

8 MS. MERCADO: Thank you.

9 MR. SEILHAMER: Go ahead.

10 CHAIRMAN AVILES: Can you give me
11 LUMA percent of the general assessment? LUMA, not
12 mine, LUMA?

13 THE WITNESS: We have, I would say,
14 a majority of the assessment -- of high-level
15 assessments for the entire grid. But the question
16 becomes when you say "details."

17 CHAIRMAN AVILES: Yes.

18 THE WITNESS: Okay. We have not
19 gone to visit every single pole. There's
20 13,000 miles of lines -- distribution lines.

21 We have not gone to every single
22 pole and tested the integrity of that pole.

23 We have not gone to every pole and
24 detailed the ten attachments of cable that are on
25 it.

1 We have not done that structure by
2 structure on this region.

3 BY COMMISSIONER MATEO:

4 **Q. How advanced is the process for the**
5 **inventory that was supposed to help that effort?**

6 A. I would say the inventory depends a lot
7 on these inspections, because I think that that
8 would entail us going to every single pole.

9 So we might as well take a full advantage
10 of being at every structure to really account for
11 all of the inventory.

12 **Q. Wouldn't that be more reason to accelerate**
13 **that process? We have talked about with you in**
14 **another docket that is public knowledge about the**
15 **importance of inventory and gave us some estimates**
16 **of time. And it looks like it is critical to know**
17 **that information.**

18 You've said that there's uncertainty on
19 how the metrics are going to be calculated or the
20 baselines, and that there's lack of information.

21 So based on your own statement, it seems
22 that this is absolutely critical for LUMA to know.
23 So why haven't we seen an accelerated path to that?
24 Because it seems very important for your operation.

25 A. And we focused this last year, 18 months,

1 on the high-level assessments to get at that
2 improvement on reliability. That's why the SAIFI
3 is a 7.5.

4 So we focused more on that rather than
5 spending the time and effort on the individual
6 inspections.

7 Q. Can this be done in parallel ways, in
8 parallel lanes or is this a problem of budgeting or
9 funding?

10 What is the problem? Why can't it be
11 done? Because in a hypothetical, if I find the
12 people and the money, it can be done.

13 What is the problem, then?

14 A. At first we were trying to get it funding
15 through FEMA. That didn't work. And so now we're
16 looking at: Okay, how can we put it in the budget
17 and get it done?

18 Q. Okay. And how long is it going to take?

19 A. Well, right now we've projected four
20 years to get the detail done for all of the
21 inspections.

22 Q. So for four years we are not going to know
23 the actual condition of the system?

24 A. Well, you're going to know the condition
25 of the system as we progress through it.

1 **Q. No. The actual condition of the system,**
2 **in details and how bad it is, not generalities,**
3 **Mr. Cortez.**

4 A. The pole by pole for the primary lines,
5 it will take time.

6 The condition of the system, as we look
7 at it, as we work through it, as we go through one
8 distribution line at a time or one transmission
9 line at a time, we can give you have the condition
10 of that.

11 **Q. So until four years we are not going to**
12 **know the actual condition of the system; is that**
13 **your answer?**

14 A. For the detailed inspection of every
15 structure, every distribution pole, that is
16 correct.

17 CHAIRMAN AVILES: I'm going to
18 switch to Spanish. I just want to be sure that you
19 would understand what I'm trying to say, okay?

20 (In Spanish.)

21 THE WITNESS: For all of the FEMA
22 projects, they have been qualified to be on the
23 FEMA list for repair or replacement because they
24 were either flooded or inspected and we knew that
25 the structures were deteriorated.

1 So all of those projects have had
2 inspections.

3 COMMISSIONER MATEO: What percentage
4 of that is of the system? That's what the Chairman
5 is asking, if it's a 5 percent, it is a 5 percent.

6 We want to know the number or an
7 approximate number because you're talking about
8 high-level inspections and high-level assessments.

9 That's what you do when you're in a
10 due diligence. Then you get your hands dirty and
11 you start going into the granularity of the matter
12 and maybe you don't have a hundred percent. But
13 how much do we know in detail?

14 THE WITNESS: I don't have that
15 number off the top of my head.

16 COMMISSIONER MATEO: Okay.

17 CHAIRMAN AVILES: You don't have
18 that right now, but you can provide that number.

19 THE WITNESS: Yes.

20 COMMISSIONER RAMOS: Okay. I
21 think -- so the question would be of the
22 \$10 million of FEMA, what percentage of the grid
23 would that impact?

24 THE WITNESS: That's a good way to
25 frame it, but I don't know that off the top of my

1 head.

2 BY COMMISSIONER RAMOS:

3 Q. I have a question.

4 SAIDI and SAIFI are calculated on a
5 regional basis or a per substation basis or a
6 feeder basis?

7 A. They are calculated for the total system
8 and they are calculated by substation. The more
9 granular you get, the more probably uncertain it
10 is. But certainly you can calculate it all the way
11 down to a feeder level.

12 Q. Okay. So my question is: How does the
13 regional or substation basis calculation affect the
14 overall number?

15 For instance, if you have a SAIFI of ten
16 in a certain feeder, how does that affect the 7.5
17 SAIFI that we have now?

18 How does it -- on a weighted sense, how
19 would the worst-performing feeders affect the
20 overall metric?

21 A. It may depend on the customer account.

22 Q. Okay.

23 A. So the more customers that are affected
24 by either SAIDI or SAIFI, then the greater the
25 impact.

1 **Q. Okay. So the overall number does not look**
2 **at specific regions. It's all calculated --**

3 A. In these -- if I'm not mistaken, in the
4 submission, the submission of the metrics, we do
5 break it down, if I'm not mistaken, by
6 municipality.

7 So we do the best attempt to say how much
8 impact does the substation has on this municipality
9 or district. A circuit doesn't respect municipal
10 boundaries.

11 COMMISSIONER RAMOS: Thank you.

12 BY COMMISSIONER MATEO:

13 **Q. So it would be possible for a community to**
14 **keep having a bad situation and that would not be**
15 **reflected in the overall number unless we have**
16 **regional metrics.**

17 So a community can be forgotten because
18 as long as the big number keeps going down, they
19 will still be forgotten.

20 MS. MERCADO: I respectfully object
21 to the characterization of "forgotten."

22 I think it is an imprecise --

23 COMMISSIONER MATEO: (In Spanish.)

24 MS. MERCADO: I --

25 COMMISSIONER MATEO: (In Spanish.)

1 MS. MERCADO: I note my objection.

2 MR. SEILHAMER: I take notice of it.

3 THE WITNESS: Commission Mateo, we
4 look at individual circuits, so we know what the
5 reliability is per circuit. And so, therefore,
6 we'll know what communities are tied to those
7 circuits.

8 So I would say that a community
9 cannot be overlooked for that reason and we look at
10 it on a per-circuit basis.

11 BY COMMISSIONER MATEO:

12 Q. (In Spanish.)

13 A. Yes. You can have a circuit that has
14 a -- an indices -- indices that are worse than
15 other circuits. And your totality can be within
16 the [Inaudible]. That is possible.

17 Q. (In Spanish.)

18 A. Commissioner Mateo, I would say we should
19 start off with overall system metrics and then
20 start monitoring on a quarterly basis the
21 individual metrics so we can start seeing what kind
22 of baselines do we have.

23 And I think after we've seen that then
24 perhaps would be another opportunity to set
25 targets.

1 **Q. (In Spanish.)**

2 A. For the time being, we would leave it out
3 of the incentive metrics. I would say that we
4 could incorporate them into the quarterly metrics
5 that we all monitor.

6 **Q. (In Spanish.)**

7 A. Again, Commissioner, I would say that we
8 should start monitoring that because I think that
9 we would then work together to say, you know: What
10 kind of improvements do each of them have -- what
11 impact does each of them have on our budget?

12 Because I don't know at this time what
13 impact making everybody equal or within a range
14 would have on our overall budget.

15 **Q. (In Spanish.)**

16 A. I'm proposing we don't include it as an
17 initial metrics for incentives and that we consider
18 it on monitoring for the overall metrics as we're
19 working through them so that we can see what we're
20 working with.

21 **Q. (In Spanish.)**

22 A. Again, I would say that for us to get
23 experience and practice at what we're trying to do,
24 it's best to start monitoring the metrics that we
25 submit on a quarterly basis, start working with

1 those, and see how we can improve.

2 Otherwise I think we've heard testimony
3 from some of the witnesses yesterday that sometimes
4 these metrics can lead to things that -- you know,
5 unwanted consequences.

6 So I don't know what impact trying to
7 equalize metrics with a certain range for all of
8 the circuits, what impact that would have.

9 I would say: Let's put forth our best
10 effort to work together and try to address how to
11 best do that.

12 And for the next session, perhaps we can
13 then agree on -- or you can propose how to best
14 monitor this and provide us an incentive metric.

15 **Q. (In Spanish.)**

16 A. I don't recommend it for the incentive
17 metrics at this time.

18 **Q. (In Spanish.)**

19 A. No, not for incentive metrics at this
20 time.

21 MR. SEILHAMER: We are going to go
22 to the next witness, who is Ms. Watkins. We have
23 to clarify the exhibit, the 27, 28, so I can get
24 the --

25 (A discussion was held off the record.)

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1 DIANE WATKINS
2 was called as a witness, having been previously duly
3 sworn, was examined and testified as follows:

4 EXAMINATION

5 BY MR. GRIFFIN:

6 Q. Good morning, Ms. Watkins.

7 A. Good morning.

8 Q. Can you state your name and position for
9 the record.

10 A. My name is Diane Watkins. I'm the vice
11 president of vegetation and work management at LUMA
12 Energy.

13 Q. Can you state your role in relation to
14 other witnesses?

15 A. I'm here to testify on our proposed
16 vegetation maintenance miles completed metric.

17 Q. Okay. Then your role was in -- well,
18 you're providing the supporting testimony for that
19 proposal; is that correct?

20 A. That's correct.

21 Q. Okay. Let's go to that.

22 Can we go to -- let's see -- line 119 of
23 your -- yeah, the rebuttal testimony -- the Exhibit
24 27.

25 MR. SEILHAMER: We are going to

1 start with 27.

2 MR. GRIFFIN: Yes.

3 MR. SEILHAMER: Let me identify 27
4 so we can make the distinction. If Counselor
5 Mercado can help me with the tabs.

6 MR. MURTHY: Which one is it?

7 MR. SEILHAMER: What is it? For
8 Diane Watkins, both rebuttals, if you have them
9 marked with your exhibit.

10 MS. MERCADO: Yes. If you look --
11 there's a footnote on the first page stating when
12 it was initially filed. If you can tell me that
13 date, I can tell you.

14 MR. GRIFFIN: It's the one that
15 was --

16 MR. SEILHAMER: I'm going to try to
17 identify it in your --

18 MS. MERCADO: No, but I need the
19 date.

20 MR. SEILHAMER: I have 27 here. The
21 footnote, it has reference to February 17, 2022.

22 MR. MURTHY: Okay. So that's 27.

23 MR. SEILHAMER: That would be 27 and
24 the other one would be 28.

25 MS. MERCADO: So I don't know which

1 were he's referring to.

2 MR. SEILHAMER: He's going to refer
3 to 27.

4 MS. MERCADO: Okay.

5 MR. SEILHAMER: The direct testimony
6 is going to be 29.

7 MS. MERCADO: That's 29.

8 BY MR. GRIFFIN:

9 Q. Do you have your direct testimony?

10 A. I do.

11 Q. I believe it's line 119.

12 The question is:

13 "What considerations were made to
14 determine the targets of 1,600 miles, Year 1;
15 1800 miles; and 2,000 miles."

16 A. Correct.

17 Q. So can you walk through the process that
18 LUMA used to set those targets for the three years?

19 A. Yes, I can. So first we looked at
20 historical data for fiscal-year '22, which is the
21 only full year we have historical data for.

22 We've completed over 900 miles total of
23 reactive correctives and preventive vegetation
24 maintenance. So that was the historical data we
25 had available to us.

1 We thought that it made sense for the
2 performance target level to be set greater than the
3 900-plus miles, so we completed the previous year
4 in order to represent an increase over our previous
5 year's performance.

6 To determine how much to increase that
7 target from the historical data, we considered more
8 subjective criteria. We looked at the percentage
9 of work that we had completed that was preventive
10 versus reactive and corrective.

11 The reason that is pertinent is because
12 preventive work is less costly per mile than
13 reactive and corrective work. So for a set budget
14 for vegetation maintenance, in order to perform
15 more work, we have to do more of the work that's
16 less expensive per mile to increase the total
17 mileage number.

18 And in fiscal-year '22, over 80 percent
19 of the miles we had completed were reactive and
20 corrective. So a significant portion of the miles.

21 Our goal is to shift back and increase
22 the percentage of miles that are preventive to be
23 more of a majority of what we complete, which would
24 increase the total number of miles we can complete.

25 And so we thought aggressively setting

1 the first-year target at 1600, represented a
2 significant increase over the 900 from the previous
3 year. But it should be attainable based on
4 shifting type of work that we do to more of the
5 preventive work.

6 We then looked forward to Years 2 and 3
7 to determine how much of an increase we could make.
8 The increases -- there's a limit to how much
9 improvement we can get year over year.

10 So we considered percentage-wise compared
11 to the 1,600, subjectively, it seems like 200
12 additional miles, we would be able to achieve with
13 the same budget and then 200 per year after that.

14 So it was a combination of a numerical
15 analysis and a subjective analysis.

16 Q. Thank you for that answer.

17 If I'm understanding the key factors
18 there, there's a budget available and then the
19 ratio of the two types of vegetation maintenance
20 that you are doing.

21 And so now it's been another year, your
22 assumed ratio of those, is that on track to meet
23 these targets doing more than of the preventative
24 versus the reactive? Is that -- how is that
25 tracking compared to your assumptions in the target

1 year?

2 A. Are you asking for fiscal-year '23, the
3 year we're in right now?

4 Q. Well, '22, you said you did -- that gave
5 you have the 900. And then, yes, so the work that
6 you have done since then, how is that trending?

7 A. Sure. So the data I have seen so far for
8 fiscal-year '23, we are averaging over 50 percent
9 on preventive work, which does represent a
10 significant improvement from last year.

11 Q. Okay. And then what's the assumed level
12 of budget underlying your estimates here?

13 A. The exact budget has been reported in
14 other dockets. From memory, it is around
15 50 million.

16 Q. Okay. And that -- but that's the basis
17 for providing these targets, what was reported and
18 requested?

19 A. Correct.

20 Q. Okay. Thank you.

21 MR. GRIFFIN: No further questions
22 for myself.

23 COMMISSIONER MATEO: Hello, yes.

24 EXAMINATION BY THE PANEL

25

1 BY COMMISSIONER UGARTE:

2 Q. In your testimony you stated about the
3 number of the 200 [inaudible].

4 A. Yes. Thank you for that question.

5 The secondary, which are the low-voltage
6 lines, are much more difficult to track than a
7 primary. We don't keep mileage data on secondary.

8 As an example, secondary lines represent
9 service drops from a pole to an individual
10 customer's home. That's an example of secondary
11 service.

12 And we have other measures in place to
13 assure that we will still do that work. It doesn't
14 have to be included in the metrics for us to
15 perform that work.

16 Much of the secondary is underbuilt on
17 the primary, meaning that the primary is on top and
18 the secondary is below in the same right-of-way.
19 Meaning that if we maintained that primary, the
20 secondary is also here.

21 So there are a number of factors where
22 we're not proposing to track secondary standalone,
23 but that doesn't mean that the vegetation will be
24 addressed.

25 COMMISSIONER UGARTE: Thank you.

1 BY COMMISSIONER MATEO:

2 Q. I have a question: How prevalent in the
3 system is that condition? If you haven't seen the
4 whole system to make an assumption or take that
5 approach that by taking care of the primary, you're
6 taking care of the secondary?

7 A. I don't know the exact percentage, so
8 it's -- we would not take care of all secondary by
9 addressing the primary. We know that.

10 One of the examples I gave was:
11 Secondary also represents service drops for
12 individual customers. That's an example that's not
13 underbuilt on primary.

14 So those types of situations would not be
15 addressed from the perspective of calculating
16 mileage for the metrics.

17 BY COMMISSIONER MATEO:

18 Q. Do you know how -- how -- what the
19 percentage of what ratio of outages or issues with
20 the system are caused by problems with vegetation on
21 secondary lines?

22 A. I don't know the exact number. Based on
23 the fact that the primary circuit is the longest
24 portion of the line, in terms of the architecture
25 of the distribution there's a primary circuit and

1 then the service drops are relatively small off
2 that primary circuit.

3 So I would surmise that the majority of
4 outages occur off the primary, but I don't have
5 that number.

6 Q. So that is a general assumption; not
7 something that's based on your analysis or
8 inspection of the system to check if given the
9 diverse system that we have in Puerto Rico, that is
10 the case.

11 A. I am not aware of data that says what
12 percentage is on the secondary.

13 Q. Thank you.

14 BY COMMISSIONER TORRES:

15 Q. Antonio Torres, hi.

16 A. Hi.

17 Q. You mentioned that Mr. Irizarry, you don't
18 agree with his statement. I'm on your testimony on
19 line 93:

20 "The metrics should be measured by
21 electrical miles annually subjected to tree
22 trimming divided by the total electric line
23 miles."

24 MS. MERCADO: Can you clarify for
25 record which of the testimony, sir?

1 COMMISSIONER TORRES: Oh, I'm sorry.
2 That was one on -- it's Diane Watkins, it says,
3 "January 24."

4 MS. MERCADO: The footnote says when
5 it was originally filed.

6 COMMISSIONER TORRES: The footnote
7 says February 17.

8 MS. MERCADO: So it's Exhibit 27.

9 COMMISSIONER TORRES: Is that the
10 one that we're on?

11 MR. SEILHAMER: They were not on
12 direct, but we are going to allow it because they
13 don't have questions about the rebuttal.

14 So we can take care of this one.
15 You can ask the question.

16 THE WITNESS: I have it now.

17 BY COMMISSIONER TORRES:

18 Q. Okay. And I believe it's line 92. It's
19 just that you give an explanation and I just want to
20 know if you could summarize that explanation in more
21 simple terms.

22 A. I summarize my response here.

23 At the time this testimony was filed, it
24 was our position, and this is still accurate, that
25 outages caused by vegetation would be requested in

1 the reliability metrics, and, therefore, it is not
2 necessary to separately track vegetation miles
3 completed because it is work that has to be done to
4 result in good reliability and reduce outages.

5 And so the statement here was explaining
6 that there are a number of factors that go into a
7 good vegetation management program. And just
8 tracking the miles alone doesn't necessarily tell
9 you the strength of the overall program and it's
10 not necessary if you're concerned about outages.

11 Since that time, we've considered all of
12 the information and the situation and determined it
13 does make sense to propose a vegetation management
14 metric.

15 The one we're proposing focuses on a
16 total result of miles cleared as opposed to
17 focusing on a specific detail such as trees trimmed
18 because the goal of vegetation management is to
19 clear the right-of-way to reduce outages.

20 COMMISSIONER TORRES: Okay. Thank
21 you.

22 MR. SEILHAMER: If we don't have any
23 other questions, then we are going to pause for a
24 recess for lunch and then we should be back at 1:00
25 o'clock in the afternoon.

1 [Whereupon, the proceedings were
2 adjourned at 11:53 a.m. for the luncheon recess.]
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1 - AFTERNOON PROCEEDINGS -

2 WEDNESDAY, FEBRUARY 8, 2023

3 [TIME NOTED: 1:05 P.M.]

4 MR. SEILHAMER: We're going to begin
5 with the afternoon session. The first witness is
6 going to be Lee Wood, who is remote.

7 So once we get the whole go ahead
8 from the technical team, we are going ahead and
9 start the afternoon session.

10 EXAMINATION OF LEE WOOD

11 BY MS. LANE:

12 Q. Good afternoon, Mr. Wood.

13 For the record, my name is Courtney Lane.
14 I'm one of the consultants for the Commission.

15 COMMISSIONER MATEO: We can't hear
16 you, Mr. Wood; are you on mute?

17 MR. SEILHAMER: It is on our end.
18 We need to -- the volume.

19 THE WITNESS: Can you hear me now?

20 MR. SEILHAMER: I can hear you just
21 fine.

22 MS. MERCADO: Yeah, we can hear you,
23 just low. Can you try again?

24 THE WITNESS: Good afternoon. Good
25 afternoon.

1 MS. MERCADO: We can hear you, but
2 it's a bit low, the volume.

3 MR. MURTHY: Lee, were you speaking?
4 Can we hear you?

5 THE WITNESS: You broke up there a
6 little bit, but I'm guessing that you asked me to
7 do my check.

8 Is it better?

9 MS. MERCADO: Now we can hear.
10 Thank you.

11 MS. LANE: Try it again.

12 BY MS. LANE:

13 Q. Good morning, Mr. Wood.

14 Could you please state your name and
15 position for the record.

16 A. My name is Lee Wood --

17 [Echo in background.]

18 THE WITNESS: I'm getting an echo.

19 That's better. Thank you.

20 THE WITNESS: My name is Lee Wood.

21 I'm a business transformation adviser --

22 [Echo in background.]

23 THE WITNESS: I'm still getting an
24 echo. I can probably plow through.

25 MS. LANE: Okay.

1 BY MS. LANE:

2 Q. Could you explain your role in developing
3 the metric within the revised Annex IX that you
4 submitted as part of this proceeding?

5 A. My role is to develop metrics and similar
6 testimony for interconnection and demand-type
7 management.

8 Q. I'm going to ask you a couple questions
9 about the demand-type management metrics. And I'm
10 going to hand it over to my colleague, Mr. Havumaki,
11 to talk about the interconnection.

12 So briefly can you describe the
13 energy-savings metric as well as the peak demand
14 metric?

15 A. Sure. The energy-savings as a percent of
16 total energy sales simply measures the
17 energy-savings achieved by LUMA's programs, DSM
18 programs, divided by the total energy sales in that
19 period.

20 Similarly, the peak demand savings as a
21 percent of total system peak demand measures the
22 peak demand savings achieved by LUMA's programs
23 divided by the total system peak demand during that
24 period.

25 Q. Thank you.

1 MS. LANE: And I'm now going to
2 share one of your responses to discovery for
3 Exhibit -- a response to PREB Set 11, Number 2.

4 THE WITNESS: How do I view this?

5 MS. LANE: I'm going to share it, if
6 you could give me one moment.

7 MR. SEILHAMER: We are going to mark
8 it as Exhibit 33.

9 [Exhibit Number 33 was marked for
10 identification.]

11 BY MS. LANE:

12 Q. Can you see the data response, Mr. Wood?

13 A. I do.

14 Q. And take your time in reviewing, but
15 partway down that first paragraph I understand that
16 this response indicates that the energy-savings as a
17 percent of total energy sales plus performance
18 target are meant to apply during a contract year
19 after the transition period plan ends; is that true?

20 A. We did request that the -- this metric be
21 deferred until after the transition period.

22 Q. And so is it possible that your one
23 described in Annex IX would occur during fiscal year
24 2024?

25 A. Yes, it is possible.

1 **Q. And can you confirm that fiscal year 2024**
2 **is the second year of that transition period plan?**

3 A. I think it was the -- it would be the
4 second year of the transition period. That doesn't
5 necessarily mean it would be the second year of
6 implementation of the transition period programs.

7 But I think to answer your question
8 simply, yes.

9 **Q. Okay. Thank you.**

10 And are you familiar with the energy
11 **efficiency regulation?**

12 A. I am.

13 **Q. Does it include requirement for**
14 **performance targets related to that transition**
15 **period plan?**

16 A. It does.

17 MS. LANE: I am going to hold that
18 up and -- as an exhibit, this is Regulation 9367.

19 MR. SEILHAMER: Have we marked this
20 as an exhibit yet?

21 MS. LANE: I don't believe we have.

22 MR. SEILHAMER: We'll mark
23 Regulation 9367 as Exhibit 34.

24 [Exhibit Number 34 was marked for
25 identification.]

1 BY MS. LANE:

2 Q. So, Mr. Lee, I am showing a page --
3 unfortunately, the regulation -- oops, I lost the
4 number. Just a moment.

5 I'm showing you a part of the energy
6 efficiency regulation that is related to the
7 transition period plan, specifically paragraph B,
8 subpart 1 on page 14.

9 And if it's easier, I will just highlight
10 and read the last sentence, which indicates:

11 "For the transition period plan, PREPA may
12 not propose payments for achievement of
13 performance targets that are based on the
14 outcomes of those actions such as measured
15 energy saves by energy efficiency programs."

16 So following up on your first response
17 and the requirement for performance target during
18 the transition period plan, can you explain what
19 would occur with your proposed energy-savings and
20 peak demand targets should Year 1 of Annex IX
21 correspond with the transition period plan?

22 A. We, along with most of the other
23 intervenors in the energy efficiency and demand
24 response position period plan docket, requested
25 that those targets be waived during the transition

1 period.

2 There were many other aspects and
3 elements of the regulation that you have here that
4 were venued or amended during the transition
5 period.

6 And if the program should begin or the
7 metrics should commence during Year 2 of the
8 transition period, we would request (inaudible)
9 that they accept this metric, go back to the base
10 metrics or that they waive the requirement for
11 performance targets until the following year.

12 [Echo in background.]

13 THE WITNESS: I'm still getting an
14 echo. I'm not sure if there's anything that you
15 guys can do about that. I'm sorry.

16 MR. HURTADO: If somebody has their
17 mic on or their speakers on, it creates the echo.

18 THE WITNESS: If not, I'll just
19 continue to speak around it.

20 [Brief pause in the proceedings.]

21 THE WITNESS: That fixed it.

22 [Echo in background.]

23 THE WITNESS: Nope. Sorry.

24 MS. LANE: Apologies about that.

25 BY MS. LANE:

1 Q. So continuing with the paragraph, is it
2 your understanding that this paragraph allows for
3 activity-based metrics to occur during the
4 transition period plan?

5 A. That's my understanding.

6 Q. But LUMA did not decide to propose
7 activity-based metrics within its revised Annex IX;
8 is that correct?

9 A. That's correct. We did review a list of
10 activity-based metrics and for various reasons, we
11 didn't feel that they would be the best suited
12 metrics.

13 I can elaborate if you want. I think
14 that's the question that you asked.

15 Q. Yes, thank you.

16 And if you could elaborate, please.

17 A. At this point as of today, we still don't
18 know which programs the Bureau will approve and
19 which ones they don't.

20 And so the determination of which
21 programs are approved and any program design
22 decisions or modifications that are made during the
23 regulatory review process will potentially affect
24 which programs we're launching, the nature of those
25 programs, and what activities would measure their

1 performances.

2 So with that uncertainty we first
3 had uncertainty just figuring out which metrics or
4 which programs. And then, more importantly, the --
5 we suspect and assume that after the transition
6 period we will switch to performance-based or
7 outcome-based metrics, such as the ones we've
8 proposed, which are the standard metric.

9 It can take some time for us to develop
10 the tracking procedures, the policy procedures, the
11 protocols to [inaudible] institutional and
12 organizational infrastructure, so to speak, to
13 measure progress against a performance metric and
14 the targets.

15 And so we would prefer to start off with
16 these metrics which we believe are going to be in
17 use more than two years from now; get ourselves
18 used to meeting those metrics; develop the
19 supporting analyses manual, such as a technical
20 reference manual, protocols, and so on, needed to
21 meet this metric from the beginning as opposed to
22 switching midstream.

23 **Q. Thank you. That's helpful.**

24 **Are those requirements that you just**
25 **mentioned necessary for tracking whether an**

1 activity was completed or not regarding
2 activity-based performance metrics?

3 A. Sorry, it fell off.

4 Q. You mentioned needing to get tracking
5 databases, getting up to speed in order to track
6 outcome-based metrics.

7 Do you need to conduct all those
8 processes in order to track an activity-based
9 metric?

10 A. Depending on what the activity is, some
11 of them you would, and some of them you wouldn't.
12 It highly depends on what activity you're measuring
13 and for which programs.

14 Because each program functions
15 differently enough that there's not going to be a
16 one-size-fits-all activity -- activities conducted
17 for each program.

18 You know, for instance, some programs
19 provide educational outreach intended to improve
20 customer-education awareness.

21 Activities there might be delivery of
22 educational materials, that they could be -- I'm
23 not even sure.

24 And other activities might be -- other
25 programs might be prescriptive-rebate programs

1 where it's number of customers served [inaudible.]

2 It's likely that activities, procedures
3 and methods would need to be developed to measure
4 some activities, but it depends on which ones.

5 It's likely there are other activities that are
6 more readily measured without additional
7 accompanying development of materials.

8 **Q. Okay. Thank you.**

9 MS. LANE: And my last question is
10 another new exhibit. This is Response to PREB --
11 Zero PREB Set 10, Response No. 35.

12 MR. SEILHAMER: It will be marked as
13 Exhibit 35.

14 [Exhibit Number 35 was marked for
15 identification.]

16 THE WITNESS: I see it.

17 MS. LANE: Okay. Great.

18 BY MS. LANE:

19 **Q. So can you confirm that in the first --**
20 **first paragraph here, you indicate that:**

21 **"It's premature to establish performance**
22 **metrics or targets that do not currently exist**
23 **or have a funding source."**

24 A. I did say that.

25 **Q. So can you explain within your proposed**

1 transition-period plan, is LUMA proposing to use
2 some of its funds from its fiscal year 2023 annual
3 budget to fund those transition period programs?

4 A. We should propose a portion of the total
5 budget required for the first year, so fiscal year
6 2023, first year of the transition period.

7 We proposed it to fund a portion of those
8 costs related to startup expenses, early
9 administration mostly, and the education outreach
10 program.

11 So I'll stop there. Does that answer
12 your question?

13 Q. Yes, it does. Thank you.

14 MS. LANE: And I don't have any
15 further questions.

16 BY MR. HAVUMAKI:

17 Q. Hi, Mr. Wood. This is Ben Havumaki,
18 consultant for the Bureau. I'm going to ask you
19 some questions about your net metering proposal.

20 So first, just to start out, can you
21 please describe the metric you proposed for this
22 outcome?

23 A. Sure. The metric is called average
24 duration for net energy metering tariff activation.
25 It measures the duration between project submission

1 and tariff activation.

2 So duration between, for simplicity,
3 start date and end date. Each individual project
4 will measure start date and end date and then we'll
5 average those across all projects completed
6 [inaudible.]

7 Q. Thank you for that.

8 Just a couple of clarifying points.

9 This does not cover all projects for
10 which interconnection is requested; is that right?

11 A. That's correct. It measures -- it
12 pertains to the so-called expedited projects, which
13 make up over 99 percent of the volume of projects
14 we receive under this program.

15 Q. And so the last stage, the activation of
16 the tower that you referred to, once that is
17 completed, does that mean that a system is, you
18 know, energized and capable of exporting and so
19 forth?

20 A. No, it doesn't. The system is energized
21 and capable of exporting before LUMA ever receives
22 an application. It is unique to Puerto Rico.

23 The term "activation" refers to the point
24 at which the tariff, assigned to the customer's
25 account has been switched to net energy metering

1 tariff, at which point they can expect to see the
2 net [inaudible] tariff show up on their next bill.

3 Q. Okay. Thank you for that. Just one more
4 clarifying question, I think.

5 So the period that you are tracking from
6 the application to the activation of the tariff,
7 there are intermediate steps that are occurring in
8 between; is that right?

9 A. That's true.

10 Q. So what are those steps?

11 A. The first is we receive the application
12 in the portal and once we receive it, we do what's
13 called validation. We review the application
14 simply to make sure it's complete.

15 The second step is we determine whether
16 the premise requires a new bi-directional meter,
17 and then if, so we have to go and change the meter
18 in the field.

19 If not, we proceed to the final step,
20 which is the activation step where, in our billing
21 system, we go and manually change the tariff
22 assigned to the customer's bill.

23 Q. Thank you for that.

24 I want to turn now to your direct
25 testimony. This is Exhibit 23.

1 A [Witness complies.]

2 Q. And specifically we are going to be
3 looking at the paragraph beginning on line 166,
4 which is a Question and Answer 19. And I will share
5 it on the screen.

6 A. I see it. Could you repeat those lines?

7 Q. Yes. We're looking at the section
8 beginning on line 166 and continuing through line
9 175, which is Question and Answer Number 19.

10 Do you see that?

11 A. I see it.

12 Q. Okay. Thank you.

13 A. I do.

14 Q. So I'll just ask you, please, to read that
15 for the record.

16 A. [Reading:]

17 "We propose 30 days as the minimum
18 performance level, to align with the statutory
19 requirements stated in Act 1142007.

20 "During the first quarter of FY '23, the
21 average duration for activation was
22 approximately 33 days (see Table 1 of Exhibit
23 A), representing the current program
24 performance level.

25 "However, this duration exceeds the

1 minimum performance level. LUMA expects this
2 average to continue decreasing in fiscal-year
3 '23, though not at a rate seen in fiscal-year
4 '22.

5 "Therefore, LUMA proposes a target of 28
6 days, which is more aggressive than the current
7 performance and minimum performance level while
8 facilitating a reasonable achievable rate of
9 improvement of the resources and IT systems
10 available."

11 Q. Okay. So thank you for that.

12 I'm going to ask you some clarifying
13 questions about what we just reviewed together, and
14 also try to get is some more information about how
15 you established the baseline and the targets.

16 So I'm hoping, first of all, if you could
17 provide updated information about the second
18 quarter of 2023. I see that you reference
19 performance during the first quarter.

20 Are you aware of how LUMA performed in
21 the second quarter?

22 A. I haven't done my own analysis, though
23 I've looked at the quarterly report filing, second
24 quarter, and the average duration was, I believe,
25 36 days.

1 Q. So just to be clear, that average duration
2 is only for the second quarter, not for FY '23 to
3 date.

4 So only for the second quarter of FY '23,
5 not for the first and second quarter of FY '23; is
6 that correct?

7 A. Only the second quarter. And it -- you
8 won't see that number in the summary report. This
9 metric differs slightly from what is recorded in
10 the summary of metrics in that quarterly report.

11 I can explain that further, if needed;
12 otherwise -- continue.

13 Q. Okay. Thank you for that. We may come
14 back to that.

15 But I just want to confirm that when you
16 indicate that the average duration for activation
17 during Q2 of FY '23 was 36 days, you're measuring
18 the same action steps or the same process that took
19 an average of 33 days during FY '23 Q1, according
20 to your testimony.

21 So we're talking about parallel
22 indicators or identical indicators for different
23 periods?

24 A. That's correct.

25 Q. So is it correct to conclude that the

1 performance during Q2 was worse than the performance
2 during Q1?

3 A. That's correct.

4 Q. Are you able to provide any explanation
5 for worsening performance?

6 A. Unfortunately, I can't provide direct
7 experience for the worsening performance. I think,
8 actually, based on my review of the numbers
9 themselves, I see that more applications came in
10 and I see that one of the months during that
11 quarter was December.

12 And so there are -- as we know, holidays,
13 vacations, and you can see from the December rate
14 of completions, of activations, it's dramatically
15 less, fewer than November or January.

16 So I suspect being this is partially due
17 to the -- due to that. I'm not aware of other
18 causes for that increase.

19 Q. Okay. Thank you for providing that
20 context. That is helpful.

21 So I want to turn specifically to your
22 statement in lines 171 to 172 where you indicate
23 that:

24 "LUMA expects the average performance to
25 continue decreasing in FY '23, so not at the

1 rate seen in FY '22."

2 In light of what you know about the
3 performance in the second quarter of FY '23, do you
4 still maintain this expectation of overall
5 performance improvement or would that, in your
6 view, need to be modified?

7 A. I think there's risk that it will not.
8 And there are factors beyond LUMA's control or
9 ability to anticipate that could prevent us from
10 seeing these continued decreases in the average
11 duration, primarily the number of incoming
12 applications, which can fluctuate pretty
13 dramatically from month to month.

14 And we have very little, if any, leading
15 indicators from which to prepare in advance so
16 we're -- we see fluctuations month to month in our
17 performance based on that -- the differences of
18 incoming obligations.

19 Nonetheless, we have seen a steady
20 quarter-after-quarter improvement in -- or increase
21 in the number of applications that we complete each
22 quarter.

23 For instance, first quarter of 2022,
24 calendar year, we completed around 6,000
25 applications in that quarter; the second quarter

1 was around 7500 applications completed; third
2 quarter 83-, 8500 applications completed; and this
3 most recent quarter, 9300 applications completed.

4 So each quarter we have seen steady
5 improvements, which makes me expect that we can
6 continue to improve, although, if you would graph
7 that trajectory i just listed there, you will see a
8 diminishing returns.

9 So we won't see dramatic improvements, I
10 don't think, but there's reason to believe that we
11 will continue to see some improvements, although,
12 again, there are risks.

13 **Q. Just to make sure that I heard correctly,**
14 **the principal risk that you are talking about that**
15 **can, you know, impair the timeliness in this**
16 **dimension is the volume of applications, and you**
17 **have discussed an increasing number of applications.**

18 **So that's the principal risk that you are**
19 **talking about?**

20 **A. At this point, that's the principal**
21 **foreseeable risk. I can imagine many other**
22 **potential risks. That's the risk that's most**
23 **tangible that we will have month to month.**

24 **Q. Okay. Thank you.**

25 **You also mentioned diminishing returns**

1 and I understand what you mean to be that you
2 believe that LUMA can continue to reduce the time
3 required to activate that metering tariff, but that
4 the rate of improvement or rate of decrease in that
5 time is going to slow over time; is that a correct
6 understanding?

7 A. That's correct.

8 Q. So does LUMA have an ultimate target or an
9 idea of how much ultimate improvement can be
10 achieved in this outcome?

11 A. We really don't know what to expect at
12 this point, especially given within any certain
13 time frame.

14 I don't know what the ceiling will be,
15 especially when you consider cost effectiveness of
16 further improvements. Right now in the past, we've
17 been -- we've been, for lack of a better term,
18 calling on or making a loading improvement.

19 But we were able to achieve significant
20 improvements by collecting that loading
21 improvement, so to speak, making the most impactful
22 improvements.

23 Now we're into improvements that are more
24 costly that have lower marginal gains, we get
25 improvement from each improvement.

1 So it's hard to predict where it will go
2 and where it will sort of bottom out with
3 cost-effective improvements.

4 **Q. So if I understand correctly, you're**
5 **drawing a distinction between maybe the best that**
6 **LUMA could do and the best that would be cost**
7 **effective for LUMA to do -- cost effectiveness**
8 **obviously is a --**

9 A. Right.

10 **Q. -- not necessarily an objective thing or**
11 **the same for all parties, but you're talking about**
12 **cost effective for LUMA.**

13 A. That's correct. If you want to sort of
14 paint a dichotomy continuum there on one hand,
15 there's the -- the best that LUMA could
16 technologically do given unlimited technical
17 resources, and artificial intelligence, who knows
18 whatever else, to automate the process on the one
19 hand.

20 And on the other hand, there's -- there
21 are -- you know -- what I will say are maybe
22 realistically achievable improvements given time
23 frames, given other priorities and given current
24 resource if you brought to bear to make
25 improvements.

1 **Q. Are there consequences for LUMA if LUMA**
2 **misses the 30-day statutory minimum in this outcome?**

3 A. "In this outcome"? What do you mean?

4 **Q. Sorry, with respect to -- so in your**
5 **testimony, you -- well, okay.**

6 You indicate that 30 days is the minimum
7 **performance level.**

8 What is the basis for that proposed
9 **minimum?**

10 A. I would say that I would have preferred
11 to set the minimum performance level at 35 days,
12 that will be more representative of current
13 performance.

14 There's a public policy requirement that
15 the applications be completed within 30 days,
16 though. And so we had to set that beyond 30 days.

17 **Q. Okay. So what happens to LUMA --**

18 A. Does that answer your question?

19 **Q. Yes, it does. Thank you.**

20 Follow-up question: What happens to LUMA
21 **if they don't meet the statutory requirement or Act**
22 **142007?**

23 A. That Act has been in place for five years
24 or so -- forgive me, my math -- but five or six
25 years and the utility has never met that

1 requirement.

2 And so I'm not sure what would happen to
3 LUMA based on historical precedent. I am just
4 speculating. I'm not exactly sure.

5 **Q. Okay. So you just indicated that, I**
6 **guess, notwithstanding the statutory requirement**
7 **your preference would have been to establish the**
8 **minimum at 35 days; is that correct?**

9 A. As a -- why I chose that number more or
10 less out of thin air -- something less aggressive
11 and more representative of where we're at right
12 now.

13 As I said, we're 33, 36 days this
14 quarter, but I would prefer to set it there.
15 That's correct.

16 **Q. Okay. Now, in terms of your proposed**
17 **target of 28 days, I understand that based on your**
18 **testimony -- you know, represents what you feel is**
19 **achievable given current resource allocation; is**
20 **that correct?**

21 A. Yes. Yes. With some risk, which is why
22 I hesitate, and there's uncertainty. But, yes,
23 that's what I believe is achievable.

24 **Q. Did you consider or evaluate more**
25 **aggressive targets?**

1 A. Not in any analytical way. I considered
2 the difficulty of, you know, getting down to 20
3 days, getting down to 25 days. And that is so far
4 away from historical performance that I don't know
5 how we would get there.

6 If there's a lot -- I have more
7 uncertainty subjectively and would not feel
8 confident with such an aggressive target.

9 Q. Okay. So I want to turn to -- well,
10 actually, before we do that, I want to ask you, the
11 28-day target is for the 100 percent of the proposed
12 allocated incentive and obviously there are targets
13 established for the other incentive tiers, so for
14 25 percent, 50 percent, 125 percent and 150 percent;
15 is that correct?

16 A. Correct.

17 Q. So can you explain to me -- we talked a
18 lot about the derivation of the 28-day target and
19 the different factors.

20 Can you explain how you determined the
21 targets for those other incentive levels?

22 A. Just incremental influence around that
23 28-day 40 percent target.

24 Q. Is there an underlying formula or
25 quantitative basis or was it more a matter of

1 judgment and so forth?

2 A. It's mostly a matter of judgment. This
3 one doesn't lend itself to the similar -- the
4 approach we used elsewhere of -- of applying
5 increments of 25 percent around the target. And
6 that's primarily because of that sort of
7 diminishing returns.

8 I don't think -- zero is not -- you can
9 say improved 25 percent on that towards zero
10 because I think that would be diminishing returns.

11 And 25 percent in terms of days is --
12 could be dramatically more difficult to
13 accomplish -- I'm not explaining that well.

14 We assume that diminishing rate of
15 returns and there would be sort of a ceiling on
16 that rate of returns and set incremental values
17 around that with the assumption that we wouldn't be
18 able to make it all the way to zero.

19 Q. Thank you for that.

20 Just, I think, one or two more questions
21 about this section of your direct testimony.

22 So in the final sentence, you indicate
23 that:

24 "The proposed target is more aggressive
25 than the current performance of 33 days and the

1 minimum performance of 30 days while
2 facilitating a reasonably achievable rate of
3 improvement of the resources and IT systems --
4 of the resources and IT systems available."

5 And I'm wondering if you could just
6 explain the second or the final part of that
7 sentence, "facilitating a reasonably achievable
8 rate of improvement of the resources and IT systems
9 available."

10 Can you just elaborate on that, just
11 explain what you mean by that?

12 A. This goes back to the cost-effectiveness
13 consideration referred to earlier.

14 So reasonably achievable rate of
15 improvement with resources, that takes into
16 consideration the resources meaning -- it may be
17 improperly worded here, but systems, the processes,
18 and the staff that are assigned to this in terms of
19 their productivity.

20 So how much more productive can our
21 system and our staff become implementing this
22 process with more practice, with more experience
23 and so on.

24 And then the rate of improvement of the
25 IT systems, there's a reasonable rate of

1 improvement of IT given time and cost.

2 We'll start there. And by that, I mean,
3 you could perceive hypothetically that there's some
4 method to automate this entirely from -- you know,
5 from beginning to end, automate everything.

6 I'm not sure if that's actually possible,
7 but hypothetically speaking. But we don't yet know
8 how to do that. And I suspect attempting to do so
9 would be cost prohibitive.

10 So within the types of improvements we
11 can make to the IT system within a reasonable cost
12 and a reasonable time frame, we are not going to
13 get all the way to fully automated, AI, you know,
14 sensor-based application and approval mechanism.

15 It's still going to be a bit of a manual
16 process and we are going to make incremental
17 improvements to the IT systems over time.

18 Does that answer your question?

19 **Q. Yes, it does. Thank you for that.**

20 **Just to confirm, the reference to**
21 **"resources" is staff resources?**

22 A. That's an overly catch-all word. Let me
23 clarify. I would say "staff resources," also
24 the -- there are sort of less tangible -- and by
25 "staff," I really mean simply the number of

1 resources available, but their -- their training,
2 and their experience, and we see that in the rate
3 of improvement that -- we see improvement with
4 staff after a year of doing this as compared to
5 after a week. So there is going to be that net of
6 improvement in productivity with that experience.

7 The term "resources" could also mean the
8 systems and processes, sort of intangible,
9 organizational systems and processes that we
10 refine, adjudications, hand-offs, understanding of
11 the process flow and training on the process flow
12 and checklist and so on.

13 You know, things like that are less
14 tangible resources that we can bring to bear that I
15 would sort of lump within that category.

16 Q. Okay. Thank you for that.

17 But just to kind of sum up what you are
18 talking about are ways that LUMA will improve its
19 performance in this domain or its capabilities to
20 perform this outcome.

21 A. That's correct, ways that we have been
22 improving and we will continue to do so.

23 Q. Okay. Given what you described as kind of
24 a path of improvement or different ways that LUMA is
25 improving or plans to approve, can you explain why

1 **you've not proposed improvement in the performance**
2 **target over the period?**

3 A. Yes. And this is related to two primary
4 things: One is uncertainties in the rate of
5 incoming applications. We've seen a steady
6 increase in applications. I think each month we
7 break records and we don't see any reason that that
8 will taper off.

9 There may be other external programs that
10 will increase the rate of incoming applications
11 even further. So we have a lot of uncertainty due
12 to that factor.

13 And we're expecting the issuance of a
14 final updated regulation, and that regulation is
15 going to require us to make additional changes to
16 the IT system. It's going to require us to train
17 on new processes and procedures, which, in the long
18 run, I think, will motivate improved productivity,
19 but in the short term, could be a disruption that
20 requires us to rework existing processes to
21 accommodate, which could delay us.

22 So there's uncertainty in the -- in this
23 three-year horizon that makes us very cautious in
24 committing to ever increasing performance targets
25 until we start to see the effects of those

1 uncertainties, and at which point, you know, could
2 revise and [inaudible.]

3 **Q. Thank you for that.**

4 **I'll turn now to a different section of**
5 **your direct testimony to lines -- it's paragraph**
6 **starting on line 96 and continuing to line 105.**

7 A. Yes.

8 **Q. Please read this paragraph.**

9 A. [Reading:]

10 "Using this method, however, customer
11 delays would be reflected in the total duration
12 of the product activation. For instance, to
13 change the meter, LUMA must schedule a visit
14 with customer to access meter on customer's
15 premises. Sometimes customers do not show up
16 to these scheduled appointments, requiring
17 additional time to reschedule and to revisit
18 the premise.

19 "These delays are not LUMA's fault and
20 should not be reflected in the performance
21 metric or the calculation of the duration for
22 activation.

23 "To account for those delays that are not
24 attributable to LUMA and until this more
25 sophisticated IT system can be developed, LUMA

1 proposes to flag any products that were delayed
2 by the customer and exclude them from the
3 overall average duration for any new tariff
4 activation for [inaudible.]

5 Q. Okay. Thank you for that.

6 So first of all, you were discussing here
7 a more sophisticated IT system.

8 Is that the kind of thing that we were
9 discussing previously in the previous section?

10 A. Yes.

11 Q. And does LUMA have specific plans to
12 develop this IT system?

13 A. We nearly completed the first draft of
14 this more sophisticated IT system, though the
15 improvements I'm referring to here would still need
16 to be made to this IT system.

17 So we have a new platform. And this new
18 platform can be further improved upon, it can being
19 modified, and implementing these timestamps will
20 require additional improvement to this more
21 sophisticated system that we have developed.

22 Does that answer your question?

23 Q. Yes, sorry. You know, that's helpful.

24 So that additional functionality, the
25 ability to timestamp, is that something that LUMA

1 is -- has specific plans to acquire?

2 A. No, it was not in the -- in the --
3 included in the original design of this new IT
4 system. And, look, to be more attainable, the IT
5 system, I mean, customer application portal --
6 sorry to be vague here -- but the portal where
7 customers submit their applications to, that's what
8 I'm referring to.

9 And right now the first draft of this new
10 portal did not include programming for these
11 timestamps.

12 Q. Do you have a sense of how long it would
13 take to develop that functionality, the ability to
14 timestamp?

15 A. The -- I -- if I remember correctly, I
16 asked around a bit when I was developing my
17 testimony, how long does it take to reprogram
18 things? And I was told one to two months.

19 Things tend to take a little bit longer.
20 There's one thing to code the improvements and
21 there's another thing to test it. But for now,
22 I -- my best estimate would be one to two months
23 additional.

24 Q. Okay. So if I understand what you are
25 recommending in this section is that, you know,

1 cases where there's a customer, what LUMA deems a
2 customer mediated or customer -- a delay that is the
3 customer's responsibility in this process, those
4 cases would be put aside and not counted toward this
5 metric; is that correct?

6 A. That would be the easiest way to handle
7 this, yes.

8 Q. And so after the customer has resolved --
9 after the customer delay is resolved, would those
10 cases be re-entered into the tracking towards this
11 metric or would they be excluded for the entirety?

12 A. In this latter method of flagging them,
13 do you mean?

14 Q. Yeah. I guess I --

15 A. Or -- yeah.

16 Q. Yeah, just to be a little clearer, so you
17 have a case, you have an application, what LUMA
18 deems is a customer delay. That case gets put
19 aside. The customer, you know, does what the
20 customer needs to do, so the ball is in LUMA's court
21 again.

22 Does the clock restart on those or are
23 you not tracking the timeliness of LUMA's
24 performance relative to those cases at all for the
25 purpose of this metric?

1 A. At the moment we don't have any way to
2 essentially stop the clock and restart the clock
3 once the customer resubmits. That's why this more
4 sophisticated IT system will be developed.

5 To make it a little more clear, our
6 current IT system creates a timestamp when the
7 application is filed. It creates several other
8 timestamps along the way when the application --
9 let me give an example.

10 When the application fee has been paid,
11 it doesn't include a timestamp, but a date stamp.
12 It gets down to the time of day, on this date that
13 this activity was created.

14 That timestamp doesn't exist right now
15 for, you know, when the customer resubmits a
16 completed application.

17 But we don't have that ability to capture
18 that right now. It's absolutely possible within
19 the realm of IT to do that. It just wasn't
20 programmed in the existing portal and is not
21 something that we programmed into the new portal,
22 not foreseen -- you know, not -- we didn't foresee
23 at that point the necessity to do so.

24 And so neither of these methods would
25 have a way to right now reintroduce that customer

1 delay back into the calculation, which is why they
2 just [inaudible.]

3 And so what would that mean is say there
4 are 20,000 applications that come in and there may
5 be 1,000 or 2,000 that are delayed, 3,000 that are
6 delayed on the part of the customer.

7 Now they calculate the -- the metric
8 would be calculated over the rating 17,000
9 customers. And those 3,000 would be excluded.

10 **Q. Yeah. Thank you. That all makes sense.**

11 **Do you have a sense of the share of**
12 **incoming cases that have these customer delays?**

13 A. This is where I think we could use some
14 additional definition.

15 One data point that I do know is there
16 are around 30 percent or so of applications that
17 are submitted have to be returned, so to speak, to
18 the developer because information is absent or
19 incorrect. The application is basically not
20 complete.

21 But in all of those 30 -- of those
22 30 percent, you know, some of them might be
23 resubmitted the next day -- that day -- and
24 wouldn't cause substantial delays.

25 So I don't know what portion of that

1 30 percent caused meaningful delays. That's why I
2 hesitate to answer that question. It could be up
3 to a maximum of 30 or so percent.

4 Another option here would be instead of
5 starting the clock, say, a start date, so we have a
6 start and end date. Right now the start date is
7 the date they submit an application that's
8 complete.

9 You can always submit an application and
10 then we could start the date instead at the point
11 at which they submit a complete application and
12 thereby correcting for those incomplete ones.

13 I may be making it too complicated.

14 **Q. But just to be clear, you discussed just**
15 **now two different approaches, starting the clock**
16 **when you get the application versus starting the**
17 **clock when you know the application is complete.**

18 **And what you're proposing is the first --**

19 A. Exactly.

20 **Q. Okay.**

21 A. The way we've always done it is the
22 first. So that is why [inaudible] --

23 **Q. Okay.**

24 MR. HAVUMAKI: I don't have any
25 further questions.

1 COMMISSIONER MATEO: This is
2 commissioner Mateo for the record.

3 EXAMINATION OF LEE WOOD BY THE PANEL
4 BY COMMISSIONER MATEO:

5 Q. Mr. Wood, we have met on another docket
6 very frequently in the -- LUMA operating the system
7 in the information docket. That information is
8 public and it's information that I want to confirm
9 with you whether used it when you were preparing
10 your proposal for this metric and whether you took
11 into consideration because it seems that you're
12 doing better than what you're proposing.

13 And I don't understand the why -- out of
14 sync of the information, the inconsistencies.

15 A. Thank you, Commissioner Mateo, I can
16 explain that.

17 I did review that docket and the metric
18 is the same as the metric I'm proposing here,
19 though it's the inputs to that metric are
20 different.

21 So let me break this down because this is
22 maybe initially confusing, but it will make sense.

23 The metric that we track in that docket,
24 that we review every quarter, you know, it's a
25 legacy metric, it is the way that the metric has

1 always been calculated. I don't know who
2 established it, but we calculate the metric in that
3 docket as the average duration for any activation
4 during the period for cases that arrived at the
5 period.

6 And so all the cases that arrived in the
7 previous period or two years ago aren't included in
8 the statistic. But, again, that's the legacy
9 metric. That's the way it's always been done.

10 That metric tells you one story, but it
11 doesn't tell you the complete story.

12 The metric that we're proposing here is
13 the more rigorous method that includes, you know,
14 for the year 2022, for instance, all applications
15 that were completed in the year '22 regardless of
16 when they were submitted.

17 If they were submitted in '21 or '20, all
18 of them that were completed get back into the
19 average as opposed to reducing the number of just
20 those that were received in '22.

21 I can actually give you specific numbers
22 for 2022 that demonstrate this.

23 So if you look at all of the applications
24 that we processed that are completed in year 2022,
25 the average duration was 92 days.

1 But if you reduce that to only the --
2 application -- the number of applications that we
3 completed in 2022, that arrived in the year 2022,
4 that number is reduced down to 53 days.

5 And so the only difference in -- the
6 reason for misalignment between the docket and the
7 proposed metric is that we're suggesting all of
8 them that are completed be included regardless of
9 when they were submitted.

10 And that number reflects any backlog, for
11 instance; whereas, the other number would eliminate
12 or ignore any backlog.

13 Does that help clarify that?

14 **Q. No. But I wasn't talking about the**
15 **backlog. I am clear that the backlog is another**
16 **story and it's to be worked out in a specific way or**
17 **a special way, because it's something you inherited**
18 **and there's progress.**

19 But what I'm talking about is why I'm not
20 seeing a very aggressive metric when you are doing
21 very good with the cases that are yours, that are
22 not the cases of the backlog, and you are already
23 in control of that program and you should have the
24 capability of improving upon that performance to
25 make things better rather than going backward, if

1 **you will.**

2 A. That metric is basically misleading.
3 It's the measure that was always used, but it is a
4 misleading metric. It only includes the -- a
5 subset of all of the applications.

6 We can calculate this metric in that way,
7 and continue to do it that way. And we can modify
8 this proposed performance metric.

9 That's going to be -- make the proposal
10 even easier and we would need to modify the
11 targets.

12 But to align with that docket, we could
13 realign these metrics the way it's calculated in
14 the targets.

15 My opinion, though, is that it's a
16 misleading metric the way that it's calculated.

17 **Q. Actually, Mr. Wood, the baseline for --**
18 **the numbers or timeline that you should be looking**
19 **at is what the law requires rather than what PREPA**
20 **was doing. Because you have certain deadlines for**
21 **certain tasks that you are undertaking on the**
22 **interconnection program.**

23 So that's the starting point and you need
24 to do better than that in order to be aligned with
25 the principle that you compensate with incentives

1 for conduct that goes beyond what is required.

2 So I'm not even talking about PREPA
3 numbers. Let's forget about PREPA numbers. I'm
4 not -- for this purpose at this point -- I'm not
5 interested in that.

6 I am interested in seeing a metric that
7 is aggressive and that would get you to do even
8 better than how you are currently doing and what
9 you're reporting in the interconnection docket.

10 A. So I think that I understand where you
11 are coming from and for all intents and purposes,
12 there are two different metrics.

13 The metric we're reporting on here is a
14 different metric, it's apples and oranges to the
15 metric that's proposed over there.

16 We could recalculate the metric using the
17 same method. And that would show you a -- that
18 would show or tell a different story?

19 But right now we have basically two
20 different metrics. So you can't compare the
21 targets that we've put forward -- in performance
22 metrics here, they can't be compared directly to
23 the quarterly reports that have been filed.

24 You know, it's not -- not the same
25 metric.

1 Q. Point taken. I think that I understand
2 what the difference is and I think that we have a
3 problem with that, but let's move on.

4 You testified today that you don't have
5 the capability of timestamping delays by the
6 applicant or similar events in the tracking of
7 documents, et cetera.

8 In the interconnection document, Energy
9 Bureau has been pressing very aggressively and has
10 required LUMA to modify the platform for exactly
11 those points, so you can track productivity from
12 your personnel and monitor the performance to force
13 improvement in the management of those cases.

14 So I am frankly surprised to hear
15 something different because we were expecting the
16 relaunch of the platform in a more improved
17 fashion. And I'm sure that there isn't anything in
18 life -- usually there's room for improvement.

19 But what we were expecting and what we
20 were told in that docket, it was that the system
21 was going to be [inaudible], would provide the
22 capability of tracking the applications to avoid
23 exactly that a person may have made a single small
24 mistake and the case is lost in the system. And
25 LUMA is not tracking it. Nobody is taking that

1 case into consideration actively, affirmatively.

2 And, frankly, taking that case of the
3 calculation of the metric when you are the one with
4 the problem of not timestamping it, doesn't make
5 sense.

6 Do you think that there's a disconnect in
7 this topic as well as to metrics? Because it looks
8 like we're asking different things.

9 What I'm hearing today is completely
10 different from the other docket and it's completely
11 misaligned with what the Energy Bureau has required
12 in the interconnection docket.

13 And let's make clear -- and this is a
14 statement, this is not a question: The
15 interconnection public policy is very clear on what
16 it requires. The Energy Bureau may have required
17 additional information and report that the public
18 policy is very clear. And this method needs to be
19 targeted to achieving that public policy.

20 Let's forget about the PREPA backlog or
21 history or whatever. This needs to be designed
22 to -- for LUMA to achieve public policy and to go
23 beyond that. So it seems that we're hearing two
24 stories.

25 Can you clarify?

1 MS. MERCADO: For the record -- give
2 me a second. I just wanted to state an objection
3 to the statements. But you may answer the
4 question.

5 MR. SEILHAMER: Noted.

6 COMMISSIONER MATEO: Let's wait a
7 minute. I made the statement, it's not an opinion,
8 it's a fact. It's in the law. What
9 interconnection requirements you're subject to are
10 in the law.

11 So that's not an opinion from my
12 part. That's a statement that I made reminding him
13 of what the law says. A law that he should know --
14 he should know, and manage very comfortably with
15 much familiarity because that's the program that
16 he's running.

17 So it isn't appropriate to object to
18 it. It was noted and everything, but it's not an
19 opinion.

20 And I'm framing the question for him
21 because it is surprising that we're hearing two
22 different stories on the metrics in this case when
23 we asked for additional metrics, the
24 interconnection metrics needs to be targeted to
25 achieve compliance and go beyond that. Because

1 that's in the principles when we opened this
2 docket.

3 So let that be clear for the record.

4 MS. MERCADO: I appreciate that and
5 note my objection for the record for clarity.

6 MR. SEILHAMER: Both statements are
7 noted.

8 BY COMMISSIONER MATEO:

9 Q. Mr. Wood, are we hearing two different
10 stories? And consider, please, if you need time to
11 check the law, check the law before you answer,
12 because you're under oath.

13 A. I'm not sure what I'm hearing here in the
14 question.

15 Q. The question is: Why we are not receiving
16 a metric that is geared to comply with public policy
17 and go beyond? And I'm hearing that it was
18 calculated with a different system and it's not
19 targeted or focused on what I say: That the law
20 establishes and requires -- he's the one that says
21 that -- he's talking now about two different things.

22 So he's saying that these are two
23 different metrics: one in the interconnection
24 docket and one here.

25 I clarified with the statement that I

1 made about the facts that are in the law that even
2 if we required additional information in the
3 report, or a different way to calculate those
4 reports, the results for those reports, the law
5 requires for somebody to be interconnected in such
6 amount of days and for the [inaudible] account to
7 be established and the client to be able to do it
8 in a set amount of time.

9 This method needs to be aligned with that
10 and go beyond.

11 So I am asking him: What is the
12 difference? And if that's the case, why it wasn't
13 calculated with that in mind, because those are the
14 principles that we use when we open the docket.

15 I think I'm being clear.

16 A. This -- this metric does align with that
17 policy. And, again, it says [inaudible] --

18 The difference is not -- we're trying to
19 get up to 30 days or less. That's the law. The
20 difference between the docket and this metric is
21 which projects you put into an average. Again the
22 metric says that all of the projects completed in
23 the year.

24 So let's say there are 10,000 projects
25 completed in one year. This metric says that

1 averaging all of those, the average duration must
2 be 30 days or less.

3 And the difference between this metric
4 and the metric in the docket is that the metric
5 that is recorded in the docket doesn't look at all
6 of the projects that are completed. It only looks
7 at the projects that were completed in 2022, for
8 instance, that were filed in 2022.

9 So it's the same metric, average duration
10 for a connection. They are just looking at
11 different pools of the population.

12 But, nonetheless, the metric we proposed
13 aligns with the public policy target, public
14 policy, and sets targets to improve on performance.
15 [Inaudible.]

16 **Q. You're currently doing the interconnection**
17 **under 30 days, below that.**

18 **Why are you using an average when the law**
19 **requires every system to comply within 30 days?**

20 A. We're not. That many -- if you -- if
21 you -- what I think you've referring to is, for
22 instance, in the most recent quarterly
23 interconnection report, in the Summary tab there
24 are two metrics that report the number of days
25 required to interconnect.

1 And these are the same metrics that have
2 always been recorded in that docket. And one of
3 them -- the metric is around 20 days or less,
4 average duration of 20 days or less.

5 So that 20 days or less only includes --
6 it's only the averaging the cases that were
7 completed in this quarter and received in this
8 quarter, which is maybe 50 percent of all of the
9 cases completed.

10 So the other 50 percent are cases that
11 were completed in this quarter that were submitted
12 last quarter, two years ago, and so if you were to
13 factor in all of those other out-of-period cases,
14 that 20 would be much higher than 20, it would be
15 36. It's all a matter of the way you choose to
16 look at it.

17 The legacy metric in that docket looks at
18 just the cases that were completed in this period
19 and filed in this period, and that ignores
20 everything that was filed before, and that's why
21 it's a bit misleading.

22 And there are legitimate cases that were
23 filed two years ago and completed in a certain
24 quarter. Their duration for interconnection would
25 be, what, 600 days? We saw some cases that took

1 600 days to complete.

2 That number wouldn't show up in this
3 metric. That case would be excluded from this
4 metric because it was not filed within this period,
5 and using the method that's used in that docket.

6 So nothing we proposed here is a more
7 accurate -- it goes with all the cases. Even if a
8 case took two years to complete, it's included in
9 this metric, because to do otherwise would be
10 misleading.

11 Q. So your testimony is that this method, the
12 way you're proposing it, is effectively [inaudible]
13 LUMA to go beyond what is required by law. And that
14 this way that you say you're calculating it that is
15 different from the interconnection docket does -- is
16 not misleading and will capture everything -- every
17 case.

18 A. That's correct. Now, it does capture
19 everything. And it's not misleading. We're
20 suggesting that some of these cases be excluded --

21 Q. Yeah, I heard you --

22 A. -- cases where the customer [inaudible.]

23 Q. Yeah, but if you don't have a tracking
24 system, why should I exclude the case and if it
25 falls within the cracks, so to speak, the client is

1 going to pay the price. And you're still going to
2 get compensation, perhaps.

3 So why allow that when you were required
4 on the other docket to have a system that does
5 that, that helps you track every single case with
6 communications with your staff, with clients in an
7 effective way with timestamping that does not allow
8 for anything to be out of mind, out of sight.

9 A. We have -- we have a lot of enhancements
10 and features that we're adding into that and we're
11 building a system that is capable of including this
12 timestamp.

13 Again, we don't have any -- without this
14 metric being put in place, we wouldn't have a need
15 to track and monitor a report on that.

16 So this platform is absolutely capable of
17 being programmed to capture that timestamp.

18 **Q. So it is capable or it isn't?**

19 A. It's capable of being programmed to track
20 it. But the first draft of it doesn't include this
21 timestamp. The benefit of this platform that we
22 control it in-house and we can make modifications
23 to it as we need.

24 We can do a lot of things with it. There
25 are a lot of additional features that we'll add on

1 over time.

2 And so now, you know, unlike before,
3 adding on a new feature like a new timestamp is not
4 a big deal. Before, it was like pulling teeth,
5 that, and we changed that -- the old portal.

6 But the new platform is capable of adding
7 features like this and being -- those features can
8 be done by in-house staff instead of an external
9 contractor.

10 Q. So the --

11 A. I think there will be -- I'm sorry.

12 Q. No, go ahead.

13 A. I think there will be lots of
14 enhancements and improvements we will make to this
15 over time. It will be a living thing because it's
16 going to be added and we can continually improve
17 it, add additional features.

18 We can't do that all at once, but there
19 will be lots of new features we will add down the
20 road.

21 Q. I'm sure it's difficult to do a lot of
22 things at once because we are doing a lot of things
23 at once, as well. So we feel the pain, and we
24 empathize, but we have a role to require what is
25 required.

1 So it's been more than a year that we
2 have been talking about this platform and the
3 improvements and you've saying that the platform is
4 capable of it.

5 So why -- how difficult it is to design
6 something that you are talking about exclusions
7 because I thought that it wasn't capable of and it
8 was not going to be capable of for a long time.

9 So maybe I am confused.

10 MS. MERCADO: And for the record, I
11 just want to state that his prior testimony,
12 Mr. Wood alluded to the time that it would take to
13 -- we have to go back to the record -- in his
14 beginning of this testimony, he has testified about
15 this.

16 COMMISSIONER MATEO: Yes, you can
17 see his testimony and tell me.

18 MS. MERCADO: Yeah, I'm just
19 objecting to the portion of the characterization
20 that seems to allude to the contrary in the
21 question.

22 COMMISSIONER MATEO: I will invite
23 everybody to check the interconnection docket
24 because I'm based on facts of how many times we're
25 meeting in that docket and discussing this.

1 So it is a pertinent question and
2 it's not a mischaracterization. There have been
3 plenty quarterly meetings. So I'm not
4 mischaracterizing this or exaggerating it. It is a
5 fact.

6 MS. MERCADO: If I may, for the
7 record, I do need to clarify, I was meaning his
8 prior testimony today.

9 COMMISSIONER MATEO: I know. I
10 know.

11 MS. MERCADO: Yes, but in your
12 statement, you're mischaracterizing what I meant
13 with my objection.

14 So if I could state it for the
15 record, I meant his testimony earlier today in this
16 hearing.

17 MR. SEILHAMER: And it's noted,
18 Counselor. Thank you.

19 BY COMMISSIONER MATEO:

20 **Q. Can you tell me when are you going to be**
21 **capable to have the timestamp in operation? Or can**
22 **you repeat it?**

23 A. As I testified before -- as I testified,
24 I think, further down this page, one or two months.

25 **Q. Twenty-two months?**

1 A. It would take an additional --

2 MS. MERCADO: No.

3 THE WITNESS: No, no, it's one to
4 two months of additional programming to incorporate
5 the timestamps.

6 BY COMMISSIONER MATEO:

7 **Q. So it could be -- it could be in place**
8 **when the metrics enter into effect; is that a**
9 **possibility?**

10 A. Yes.

11 COMMISSIONER MATEO: Thank you very
12 much.

13 THE WITNESS: Depending on when that
14 happens, but --

15 COMMISSIONER MATEO: Thank you very
16 much.

17 COMMISSIONER TORRES: This is
18 Commissioner Torres, good afternoon, Mr. Wood.

19 THE WITNESS: Good afternoon.

20 BY COMMISSIONER TORRES:

21 **Q. I don't know where you are, but Puerto**
22 **Rico is probably warmer right now in case you're in**
23 **Canada.**

24 I would like to go through your
25 testimony.

1 A. I'm in Argentina and it's 35.

2 Q. Oh, wow.

3 A. Sorry.

4 Q. The summer. Sorry about that.

5 And your testimony, if we could go to --

6 I think I got lost here -- line 14 to 17.

7 Do you have it?

8 MR. SEILHAMER: We are going to have
9 to --

10 THE WITNESS: I'm actually waiting
11 for someone to pull it up on the screen.

12 Is that possible?

13 MS. DE LA ROSA: Is it the direct
14 testimony.

15 COMMISSIONER TORRES: Yes, the
16 direct testimony.

17 MR. SEILHAMER: What line is that?

18 COMMISSIONER TORRES: Line 15 to
19 16 -- to 17, I'm sorry, and it's dated October 28,
20 2022.

21 THE WITNESS: Okay. I see lines 15
22 through 17, I assume I'm in the right document.

23 COMMISSIONER TORRES: Okay.

24 BY COMMISSIONER TORRES:

25 Q. Could you read that or --

1 A. Yes.

2 "I hold a bachelor of science in Geography
3 and Planning from Appalachian State University
4 and a master's of business administration from
5 the University of North Carolina at Chapel
6 Hill."

7 Q. And we understand you're not an attorney?

8 A. That's correct.

9 Q. Okay. Just want to make sure.

10 Can we go now to line 167?

11 A [Witness complies.]

12 Q. Can you read 167 to 168?

13 A. Sure. Sorry.

14 Q. Can you please read that?

15 A. Yes.

16 "We propose 30 days as a minimum
17 performance level to align with the statutory
18 requirements stated in Act 114-2007."

19 Q. Okay.

20 A. The whole entire thing there?

21 Q. No, it's just that.

22 And the statement you gave today to one
23 of the consultants for purpose of the question that
24 he said: Why did you choose the 30 days, you
25 mentioned it was a policy requirement; is that

1 correct?

2 A. I believe that's correct.

3 Q. Okay. Understanding that you're not an
4 attorney, can you describe that policy requirement?

5 A. The Act, Act 114, requires that
6 interconnection projects -- these projects to be
7 completed within 30 days. That's the basic rule.

8 Q. When you say "these projects," we're
9 talking about expedited, which is equal or less than
10 25 --

11 A. Yes, sir. That's right.

12 Q. So do you understand that's the maximum
13 days that the law allows for these projects?

14 A. That's correct.

15 Q. Okay. Now I would like to go to Annex IX,
16 I think it's Exhibit 11. If we could go to page 25,
17 which states, "LUMA's Revised Performance Metric
18 Targets."

19 A [Witness complies.]

20 Q. Okay. I would like you to look at Table
21 2-9, 2-10, and specifically where it says "Minimum
22 Performance Level," and compare that with the column
23 that says "25 Percent."

24 You don't have to read that. I just want
25 you to look at that. Table 2-9.

1 A. I'm looking at it.

2 Q. Yeah, Table 2-9, Table 2-10 doesn't apply,
3 Table 2-11, look at the column of "Minimum
4 Performance Level" versus "25 Percent."

5 Table 2-12, Table 2-13, Table 2-14 and,
6 again, I'm only looking at "Minimum Performance
7 Level" and "25 Percent" columns, and so on.

8 We can go to the tables at page 29.

9 A [Witness complies.]

10 Q. Looking at those columns, "Minimum
11 Performance Level," and "25 Percent."

12 Until we reach Table 2-19, which is on
13 page 30, which is what we are discussing right now.

14 A [Witness complies.]

15 Q. Okay. Am I -- am I correct if I say that
16 comparing all those other tables with the Minimum
17 Performance Level" and the "25 Percent" column,
18 there's a reduction or you get 25 percent in
19 incentives because there's either a reduction or an
20 increase which favors the people of Puerto Rico?

21 A. I think with the exception of 2-10,
22 that's correct.

23 And we can go back to Table 2-10.

24 Q. Yeah, exactly. That's why I said that one
25 doesn't apply.

1 Okay. So -- yeah.

2 So all of the tables columns with
3 "Minimum Performance Level" versus "25 Percent,"
4 there is a difference, either up, because it's
5 better to be up, or down, because it's better to be
6 down.

7 Now, if go to Table --

8 COMMISSIONER UGARTE: Nineteen.

9 THE WITNESS: [Witness complies.]

10 BY COMMISSIONER TORRES:

11 Q. -- 19, comparing the "Minimum Performance
12 Level" and the "25 Percent," is there a difference?

13 A. No, there isn't.

14 Q. Why is there not a difference -- why do
15 the people of Puerto Rico have to pay an incentive
16 for no difference at all?

17 A. To be honest, we look at the 100 percent
18 level as being successful. And then the 25 percent
19 level is not necessarily a success, in our -- in
20 our eyes.

21 This table and these metrics reflect the
22 considerable difficulty that we have faced and will
23 continue to face simply to get the program
24 performance down just to 30.

25 So even 30 percent is an achievement. So

1 that's why this table reflects that.

2 Q. What I understood was you believe a
3 hundred-percent successful and less than a hundred
4 is not successful?

5 So you want an incentive of the people of
6 Puerto Rico for unsuccessful work?

7 A [Nodding head.]

8 MS. MERCADO: Yes or no.

9 He's nodding.

10 THE WITNESS: Thank you.

11 MS. MERCADO: We didn't hear an
12 answer for the record.

13 MR. HURTADO: Well, they are
14 answering, and they are speaking into the record.
15 So we can't hear him speak so --

16 [Speaking simultaneously.]

17 MR. SEILHAMER: I didn't hear if
18 they spoke. I didn't hear it. If it happened, it
19 shouldn't have happened.

20 MR. MURTHY: They said yes or no.

21 MR. SEILHAMER: So please avoid
22 those type of comments while witnesses are
23 testifying. Sorry, I didn't hear it.

24 BY COMMISSIONER TORRES:

25 Q. Would you like to respond or would you

1 **like me to ask the question again?**

2 A. In my personal subjective definition of
3 "success," we're trying to achieve 100 percent.

4 **Q. Okay.**

5 A. And in that personal subjective
6 definition, 50 percent or 25 percent is not
7 successful regardless of what the number is.

8 I only say that's my personal definition.

9 **Q. So is it correct that we're going to pay**
10 **the people -- people of Puerto Rico are going to pay**
11 **for unsuccessful work as an incentive if it's below**
12 **that 100 percent?**

13 A. I would say in the objective of this,
14 30 percent is quite a success.

15 **Q. Okay.**

16 A. I'm sorry. Achieving 30 days is quite a
17 success, objectively speaking. From my personal
18 view for high performance, 100 percent is where I
19 set my goal.

20 So there's a difference between the way I
21 view success myself and the way an objective --
22 objective view of success -- an objective view of
23 success would be -- 30 days would be successful and
24 the people of Puerto Rico would be paying for that
25 definition of success.

1 Q. And, again, maybe you already answered
2 this, but I don't recall.

3 Why is that one of the only metrics that
4 doesn't have a reduction compared to the minimum
5 performance level?

6 A. Because of the uncertainties in our
7 ability to succeed and aggressively go beyond these
8 performance levels.

9 Q. So you believe all of the other
10 performance metrics, you can meet them and go
11 beyond?

12 MS. MERCADO: I object to the
13 question. Beyond the scope of his testimony --
14 sorry -- it's beyond the scope of his testimony.
15 He has not been called to give particular
16 assessments on targets or thresholds and other
17 metrics.

18 MR. SEILHAMER: Noted. If he
19 doesn't have the answer, then he can say he doesn't
20 have the answer.

21 THE WITNESS: I don't have it.

22 COMMISSIONER TORRES: I retire --
23 how do I say it? I withdraw --

24 MR. SEILHAMER: Withdraw the
25 question.

1 COMMISSIONER TORRES: I withdraw the
2 question.

3 Thank you, Mr. Wood. Thank you.

4 COMMISSIONER MATEO: I have a
5 question for you, Mr. Wood. Let's piggyback on
6 Commissioner Torres's last question.

7 BY COMMISSIONER MATEO:

8 Q. Let's not use "success." This table
9 reflects that the people of Puerto Rico would be
10 paying an incentive in a situation that compliance
11 with the law -- the requirements of the law haven't
12 been met; is that correct?

13 A. That's correct.

14 COMMISSIONER MATEO: Thank you very
15 much.

16 MS. ARROYO: This is Counsel Laura
17 Arroyo. I want to clarify what happened before.

18 I was off of the record and I wanted
19 to clarify that he nodded and -- for the
20 completeness of the record, so I should have like
21 opened the mic and said that -- for the record that
22 he was nodding that he would provide an answer.

23 MR. SEILHAMER: That's fine.

24 MS. ARROYO: Thank you.

25 MR. SEILHAMER: The only thing we're

1 asking is just to avoid comments and if there's --
2 if there's a need for clarification, then the
3 attorney or the Commissioner asking the question
4 can just ask again and the witness can answer.

5 I don't think we have more questions
6 for Mr. Wood as of now.

7 COMMISSIONER UGARTE: Wait.

8 MR. SEILHAMER: Okay. Sorry for
9 that.

10 BY COMMISSIONER UGARTE:

11 Q. What percentage are we talking about? How
12 many cases are beyond 30 days and what is below the
13 30 days?

14 A. Thank you, Commissioner Ugarte. I'm
15 sorry, I don't have that number off the top of my
16 head.

17 COMMISSIONER UGARTE: Okay.

18 MR. SEILHAMER: Do we have any other
19 questions for Mr. Wood?

20 [No response.]

21 MR. SEILHAMER: No?

22 Thank you, Mr. Wood.

23 I just want to clarify that the
24 consultants for Commission -- or for the Bureau
25 don't have any questions. Eventually there's

1 cross-examination from other parties who may have
2 questions for you.

3 MS. MERCADO: Can we have a short
4 recess for a bathroom break?

5 MR. SEILHAMER: Sure. We are going
6 to have a five-minute recess.

7 [Whereupon, a recess transpired from 2:47
8 p.m. until 3:01 p.m.]

9 MR. SEILHAMER: We are going to
10 continue with the agenda. I just want to remind
11 all the witnesses that you are still under oath.

12 And we are going to start asking
13 questions to Mr. Irizarry.

14 EXAMINATION OF AGUSTIN ALEXI

15 IRIZARRY-RIVERA

16 BY MR. GRIFFIN:

17 Q. Good afternoon, Mr. Irizarry. This is Jay
18 Griffin, consultant to the Bureau. I just have a
19 few questions for you on your testimony submitted
20 and then my colleague here will handle a few other
21 topics.

22 A. Muy bien.

23 Q. Could you turn to page 10, line 14?

24 A. (In Spanish.)

25 Q. Page 10, line 14?

1 A. Sí.

2 Q. Can you read the first sentence?

3 A. (In Spanish.)

4 Q. Actually, lines 13 to 15, your first
5 sentence.

6 A. "Private investment"?

7 Q. No, it's about vegetation management.

8 MR. SEILHAMER: He has two direct
9 testimonies. It has to be the one that is marked
10 as Number 9.

11 BY MR. GRIFFIN:

12 Q. This is your testimony submitted on March
13 22 --

14 A. (In Spanish.)

15 MR. SEILHAMER: Okay.

16 MR. GRIFFIN: The March 22 -- yeah.
17 This one here [indicating].

18 BY MR. GRIFFIN:

19 Q. Okay.

20 A. (In Spanish.)

21 Q. Line 147, you see it there:
22 "Vegetation Management" --

23 A. [Reading:]

24 "Vegetation management is critically
25 important for reliability, resiliency and

1 public safety."

2 Q. Do you still agree with that?

3 A. Sí.

4 Q. Can we move forward, page 11, line 14.

5 A [Witness complies.]

6 Q. In this section, you talk about:

7 "The closed target should be hard to reach
8 in the vegetation management area."

9 A. Sí Senor.

10 (In Spanish.)

11 Q. When it comes to the proposal here that
12 LUMA has put forth, there's a certain number of
13 miles.

14 What's your benchmark for considering
15 "hard to reach"?

16 A. (In Spanish.)

17 MR. MURTHY: I have an objection,
18 he's not being responsive. The question was: What
19 was your benchmark?

20 THE WITNESS: (In Spanish.)

21 MR. SEILHAMER: Go ahead.

22 THE WITNESS: (In Spanish.)

23 BY MR. GRIFFIN:

24 Q. Thank you for that.

25 Just one further follow-up: Are those --

1 some of those implementation details, are those
2 other metrics that the Bureau could track in the
3 implementation and -- to make sure that they are
4 just not picking the easy lines to trim?

5 A. (In Spanish.)

6 Q. Thank you.

7 MR. GRIFFIN: I have no further
8 questions.

9 COMMISSIONER UGARTE: Are you going
10 to another topic?

11 MR. GRIFFIN: Another topic.

12 COMMISSIONER UGARTE: I have a
13 question but for an another topic.

14 MR. SEILHAMER: Okay.

15 BY MR. HAVUMAKI:

16 Q. Hi, good afternoon, Mr. Irizarry.

17 A. (In Spanish.)

18 Q. I want to discuss your first testimony,
19 which is dated November 17, 2021.

20 Do you have that document?

21 A. Sí, Señor.

22 Q. I would like to turn to page 8, lines 11
23 through 16, which contain Recommendation Number 6
24 concerning the proposed OSHA metrics.

25 Can you please let me know when you are

1 **there.**

2 A. (In Spanish.)

3 **Q. Just let me know when you are there.**

4 A. Sí.

5 **Q. Okay. Great.**

6 **Can you please just summarize your**
7 **recommendation concerning the OSHA metrics.**

8 A. (In Spanish.)

9 MS. MERCADO: I respectfully object.
10 Now he's entering beyond the scope of the question,
11 that he was to summarize his recommendation.

12 MR. SEILHAMER: Sustained.

13 BY MR. HAVUMAKI:

14 **Q. Mr. Irizarry, directing you to that same**
15 **section on page 8, you indicate that:**

16 **"Puerto Rico OSHA rules should be**
17 **consulted and a comparison with similar**
18 **jurisdictions should be conducted to establish**
19 **the minimum standard."**

20 **Can you elaborate any more on the**
21 **"similar jurisdictions" that you had in mind?**

22 A. (In Spanish.)

23 MS. MERCADO: I have an objection.
24 It's beyond the question that was asked about
25 "other jurisdictions."

1 MS. ARROYO: The person asking the
2 question is not raising these issues.

3 MS. MERCADO: I have a right to
4 object when the questions and answers are not --

5 MR. SEILHAMER: Your objection is
6 noted. I'm going to give him a little bit more
7 opportunity to --

8 MS. MERCADO: Noted, noted.

9 THE WITNESS: (In Spanish.)

10 MR. HAVUMAKI: Thank you for that.
11 I don't have any further questions
12 for this witness.

13 MR. SEILHAMER: Thank you very much.

14 If the Commissioners don't have any
15 questions, then we can go to the next witness.

16 [Brief pause in the proceedings.]

17 MR. MURTHY: And I'm sorry. I
18 believe one of the Commissioners did have one -- if
19 they come back, is it okay to --

20 MR. SEILHAMER: As long as the panel
21 is here, they can ask questions, so, yes.

22 MR. MURTHY: Thank you, Your Honor.

23 EXAMINATION OF MR. COSME

24 BY MR. HAVUMAKI:

25 Q. Hello, Mr. Nuñez --

1 MR. SEILHAMER: Mr. Cosme.

2 MR. HAVUMAKI: Mr. Cosme, I'm sorry
3 for that.

4 BY MR. HAVUMAKI:

5 Q. Could you please introduce yourself for
6 the record and just indicate your role in this
7 proceeding, what you filed.

8 A. Good afternoon. I'll be switching to
9 Spanish from now on.

10 (In Spanish.)

11 Q. Thank you for that.

12 We are going to be looking at your direct
13 testimony, which was filed on November 17, 2021.

14 MR. SEILHAMER: That's Exhibit 31.

15 BY MR. HAVUMAKI:

16 Q. Specifically we are going to be turning to
17 lines 247 to 256.

18 A. Okay.

19 Q. In this section you're discussing
20 proposals for renewable-energy-related metrics; is
21 that correct?

22 A. Yes, correcto.

23 Q. Okay. And could you please briefly just
24 indicate the metrics that you proposed here?

25 A. (In Spanish.)

1 Q. Certainly, yeah.

2 So it's the section -- there's a numbered
3 list and it begins on line 247 with the proposed
4 incentive performance metrics.

5 A. (In Spanish.)

6 Q. Right.

7 So my question is: Could you please
8 just -- just in summary just indicate what you have
9 proposed here? What are the specific metrics that
10 you're proposing?

11 A. (In Spanish.)

12 Q. Okay. I understand. Thank you for that.

13 I just want to clarify, you're
14 maintaining this proposal -- I know that it's not
15 addressed in your other testimony -- but is it
16 correct that this is still your proposal?

17 A. (In Spanish.)

18 Q. Okay. I understand. Thank you for that
19 clarification.

20 I want to turn now to your other direct
21 testimony, which is dated December 8, 2022.

22 A. Sí.

23 Q. We are going to be looking at the
24 paragraph starting on line 82, specifically, 82 to
25 94.

1 A [Witness complies.]

2 Q. Here you are introducing a proposal for a
3 new metric that you are terming -- you are calling
4 "the average duration for interconnection process
5 completion."

6 Is that correct?

7 A. Sí, correcto.

8 Q. So I'm trying to get a little bit better
9 understanding of what you're proposing here.

10 A. Muy bien.

11 Q. And I want to clarify what you're
12 proposing -- would this relate to expedited systems,
13 which we've discussed earlier -- those are the
14 systems -- you know, the smaller systems, would this
15 relate to larger systems? To all systems? Could
16 you please clarify that?

17 A. (In Spanish.)

18 Q. If I understand correctly, your concern is
19 that, at least in part, that the motivation for
20 proposing this alternative is that the metric that's
21 been proposed by LUMA doesn't actually capture
22 necessarily the full time required to get the system
23 complete.

24 A. (In Spanish.)

25 Q. Okay. Thank you.

1 MR. HAVUMAKI: I have no further
2 questions.

3 EXAMINATION BY THE PANEL
4 BY COMMISSIONER UGARTE:

5 Q. (In Spanish.)

6 A. Sí. (In Spanish.)

7 Q. (In Spanish.)

8 A. (In Spanish.)

9 COMMISSIONER UGARTE: (In Spanish.)

10 MR. SEILHAMER: One of the attorneys
11 noted that you wanted to ask questions so, yes,
12 you're open to --

13 COMMISSIONER UGARTE: (In Spanish.)

14 MR. IRIZARRY: (In Spanish.)

15 COMMISSIONER UGARTE: (In Spanish.)

16 MR. IRIZARRY: No.

17 MR. SEILHAMER: With no other
18 questions, we are going to take a two-minute
19 recess.

20 [Whereupon, a recess transpired from 3:38
21 p.m. until 3:43 p.m.]

22 MR. SEILHAMER: Next, let's continue
23 with the process.

24 MR. HAVUMAKI: Good afternoon,
25 Mr. Cortez.

1 THE WITNESS: Good afternoon.

2 EXAMINATION OF DON CORTEZ

3 BY MR. HAVUMAKI:

4 Q. I want to address the rebuttal testimony
5 that you offered concerning the intervenor testimony
6 on the net metering metrics proposal. And that is
7 your rebuttal testimony that's dated January 23,
8 2023.

9 A. Okay.

10 Q. I'll ask you to turn to line 139 that's on
11 page 8.

12 A. Yes, I'm there.

13 Q. And if we actually back up to line 137,
14 you're introducing an explanation of the major steps
15 involved in interconnecting larger systems, systems
16 that are not designated expedited systems; is that
17 correct?

18 A. That's correct.

19 Q. And you identify in this section five
20 major steps; is that correct?

21 A. That's correct.

22 Q. And those steps are evaluation, blueprint
23 endorsement, electrical construction, inspection
24 phase and approval phase; is that correct?

25 A. That's correct.

1 Q. So does LUMA track the overall time
2 required to interconnect these larger systems?

3 A. We do. There's not very many, but we do.

4 Q. So when you say "there's not very many,"
5 can you elaborate on that?

6 A. If I remember correctly, they are less
7 than 1 percent of all of the interconnection
8 projects we received. I don't know off the top of
9 my head what that number is.

10 Q. Does LUMA track the time at the level of
11 the individual steps, so the time to complete each
12 discreet step? Or is the tracking just overall for
13 the whole process?

14 A. If I'm not mistaken, I believe we tracked
15 every step because there are so few projects.
16 There's a lot of interaction with a customer or
17 their contractor.

18 Q. Are you able to provide any information?
19 Do you know overall how long this process on average
20 takes for these larger systems?

21 A. I don't have that, top of my head.

22 Q. How does the time in total compare with
23 the time to connect expedited systems --
24 interconnect expedited systems?

25 A. I couldn't tell you off the top of my

1 head --

2 Q. Okay.

3 A. -- but I know this is a lengthy process.
4 There's a lot of back-and-forth with the customer.

5 Q. Does LUMA have any goals to improve the
6 timeliness of this interconnection process for
7 larger systems?

8 A. Right now I believe we're more focused on
9 the expedited systems for less than 25KW, those are
10 the ones coming in in great quantities. And these
11 larger projects, we just work with the customer or
12 the contractor to work in the least possible time.

13 Q. So now looking back at these five steps,
14 can you discuss in general the time required to
15 complete them? Are they all equally time consuming?
16 Do some of them tend to take more time?

17 A. I think overall probably the electrical
18 construction takes a greater time, that's for it to
19 actually be built. But it depends on the project.

20 Q. And when you say "electrical construction
21 takes more time," you're thinking about -- are you
22 thinking about both the customer's role and LUMA's
23 role together?

24 A. It's mostly customer role.

25 Q. So are any of these steps -- just thinking

1 about LUMA's role in this process -- are any of
2 these steps more or less time consuming for LUMA?

3 A. Probably the inspection phase.

4 Q. That's a more time-consuming step?

5 A. Yes. That would be my guess at this time
6 without having any data in front of me.

7 Q. Okay. Thank you for that.

8 I want to turn to a couple of ROI
9 responses that you've provided. We can start with
10 PREB Request 5-2.

11 MR. SEILHAMER: It's going to be
12 marked Exhibit 36.

13 [Exhibit Number 36 was marked for
14 identification.]

15 BY MR. HAVUMAKI:

16 Q. Mr. Cortez, do you have this response in
17 front of you?

18 A. Yes.

19 Q. And have you reviewed the response?

20 A. Yes.

21 Q. So in this response you provided a table
22 that's titled "Table 1 - Historical Backlog Data."
23 Is that correct?

24 A. That's correct.

25 Q. Can you please just describe the

1 **information that's provided in this table?**

2 A. Yes. We have the interconnected
3 customers -- what we label as "commercial
4 customers," and then in several categories less
5 than 10KW -- a range of 10KW, 25KW, greater than
6 25KW.

7 We do the same thing for industrial
8 customers and then for residential customers.

9 **Q. So you have -- you're describing the rows?**

10 A. That's correct.

11 **Q. Yes. So you have rows for each customer**
12 **class by system size.**

13 A. Correct.

14 **Q. And then the columns?**

15 A. The columns are the backlog data. So we
16 have three columns: "31/60 Days," "61 to 90 Days,"
17 and "90-Plus Days."

18 **Q. Okay. Thank you for that.**

19 **And so can you just clarify for me, this**
20 **backlog information that is provided in this table,**
21 **was the backlog as of which date?**

22 A. It was whenever we answered this -- our
23 request for information. I'm not certain when that
24 was -- oh, I have it here.

25 It's a breakdown date available and

1 backlog as of June 1st, 2021, through August 31,
2 2021.

3 Q. Okay. Thank you for that.

4 So you said June 1, 2021 through
5 August 31, 2021?

6 A. Right.

7 Q. So can you just clarify, if you can, this
8 is providing backlog over a range of dates?

9 A. It was for what information we had
10 through that time period.

11 Q. Would it be correct to conclude that this
12 is reflecting the backlog as of August 31, 2021. So
13 if you went in and you checked the backlog on that
14 date, this is what you would see, what's in the
15 table?

16 A. Yes, that would be correct.

17 Q. Okay. Thank you for that.

18 MR. HAVUMAKI: I want to introduce
19 another response. This is the response to PREB Set
20 5, Question 11.

21 MR. SEILHAMER: It will be marked as
22 Exhibit 37.

23 [Exhibit Number 37 was marked for
24 identification.]

25 MS. MERCADO: I'm sorry, I missed

1 it. Can you repeat the number of the -- I have the
2 exhibit, it's the question. It's 5, correct?

3 MR. HAVUMAKI: I misspoke. It's
4 PREB Set 11, Question Number 11.

5 MS. MERCADO: Thank you.

6 BY MR. HAVUMAKI:

7 Q. Mr. Cortez, do you have that exhibit in
8 front of you?

9 A. Yes, I do.

10 Q. Okay. Thank you.

11 And there's a table provided in response
12 to this question.

13 Do you see that table?

14 A. Yes, I do.

15 Q. And am I correct that this table is also
16 providing information on the backlog?

17 A. That's correct.

18 Q. And I know that this table is -- it's kind
19 of stratified a little bit differently, like, it has
20 different -- different categories by capacity.

21 So for the commercial class, there's kind
22 of finer categories, and more limited categories by
23 capacity; is that correct?

24 A. That's correct.

25 Q. Am I correct that this table is providing

1 the same kind of information that the previous
2 exhibit provided so that -- the state of the
3 backlog?

4 A. Yes. I don't remember if the columns
5 were exactly the same, but it is providing the
6 backlog.

7 Q. This is the backlog as of which date?

8 A. January 1, 2023.

9 Q. So much more than one year later than the
10 picture of the backlog that was provided in the
11 previous exhibit?

12 A. Yes.

13 Q. And would I be correct in concluding
14 that -- so if we look at by class and by what you're
15 calling pendency, so I'm kind of category of
16 lateness or category -- or time category --

17 So if we look by class and by time
18 category, in some instances, the backlog has
19 improved or has, you know, been reduced relative to
20 the picture that we saw in the previous exhibit and
21 in other categories, the backlog has worsened.

22 Would that be a correct conclusion?

23 A. Yes. With a clarification that this is
24 not a static view. The -- it might not be the same
25 cases. So it's a moving target.

1 Q. Right. Thank you -- thank you for that
2 clarification.

3 Would I be correct to conclude that there
4 are more -- there were more cases in the backlog of
5 residential systems that had been in pendency for
6 31 to 60 days in January of 2023 than there were in
7 that same category in August 2021?

8 A. I would have to see that other table
9 again.

10 Q. Oh, okay. Sorry about that. 346789.
11 [Tenders document.]

12 A. I'm sorry. Can you repeat the question.

13 Q. Yes, sir. I just want to pick a
14 comparable category.

15 A. Okay.

16 Q. I want to look at the total number of
17 residential systems with a pendency of 31 to 60
18 days.

19 So would I be correct to conclude that
20 there are more systems in that category with a
21 backlog in January 2023 than there were in August
22 of 2021?

23 A. According to this table, that would be
24 true. However, what you don't see on this table is
25 those cases we're waiting on customer information

1 and validation.

2 So it's not -- while it's in the backlog,
3 we're waiting on customer information.

4 Q. So are you able to provide any
5 information -- so concerning the latter table, which
6 is from January 2023, are you able to provide any
7 information about what percentage of these cases in
8 the backlog are waiting on customer information
9 versus waiting on LUMA -- delayed due to LUMA?

10 A. Yes. I don't have that off the top of my
11 head, but we do have that information. But I know
12 that it's a -- if I remember correctly -- it's a
13 pretty large percentage that are waiting on
14 customer information.

15 Q. And would you say that that's true, that a
16 large percentage are waiting on customer information
17 for each of these subcategories, so -- you know, for
18 all of the different combinations of system --
19 customer class, system size and pendency?

20 A. I would say that anything under 25KW and
21 below, that would be more valid.

22 Q. So just to make sure that I understand,
23 systems under 25KW -- or 25KW and below that are in
24 the backlog are more likely to be in the backlog due
25 to customer delay?

1 A. At this point in time, yes. Maybe
2 rephrase that a little bit, is waiting on customer
3 to provide the information that's required.

4 **Q. Okay. Understand.**

5 **So this latter table from January 2023,**
6 **is, I guess, approximately one month in the past?**

7 A. Yes.

8 **Q. Are you able to provide any information**
9 **about the current state of the backlog?**

10 A. Yes. But not from the top of mind. We
11 do have that; we track it.

12 **Q. Can you provide any information about**
13 **whether the current backlog is improved or worse in**
14 **relative to this picture that we have from about a**
15 **month ago?**

16 A. From a total number, I know that the
17 January number was 1100. And what I can't compare
18 is how many of these were waiting on the customer
19 information.

20 **Q. So is -- 1100 is -- what is that?**

21 A. Less than 25KW, the expedited cases.

22 **Q. Okay. So 1100 expedited cases in the**
23 **backlog, but unclear how many were --**

24 A. This 1100 cases that we're working,
25 there's a percentage of those that are less than

1 30 days and then there's a percentage that are over
2 30 days, and some numbers, we are waiting on the
3 customer for information.

4 So it includes time you under 30 days.

5 **Q. Okay. Is that -- that information is**
6 **reflective of today?**

7 A. If I remember correctly, it was the end
8 of February. Actually, we have that information; I
9 just don't have it top of mind.

10 **Q. Okay.**

11 MR. HAVUMAKI: I don't have any of
12 further questions. Thank you.

13 MR. SEILHAMER: Thank you very much.

14 We are going to start
15 cross-examination. I want to touch base with LECO
16 again in terms of Mr. Wood.

17 Do you still not intend to ask any
18 questions?

19 MR. MURTHY: No, we have no
20 questions for him. Thank you, Your Honor.

21 MR. SEILHAMER: Like I said before,
22 Mr. Wood has a flight to catch so we are going to
23 allow OIPC to start with him so then we can excuse
24 him.

25 So Mr. Wood, if you're ready.

1 THE WITNESS: I am. Thank you so
2 much.

3 MR. SEILHAMER: Okay. Go ahead.

4 THE WITNESS: I'm on video -- okay.

5 [Brief discussion off the record.]

6 MR. SEILHAMER: We are going to take
7 a two-minute recess to see if we can figure out
8 logistical matters here and then we'll continue.

9 [Whereupon, a recess transpired from 4:05
10 p.m. until 4:06 p.m.]

11 MR. VAZQUEZ: We did announce that
12 we would make our crosses in Spanish. So I believe
13 LUMA has to provide for their witness to understand
14 the translation.

15 So if he was going to appear
16 remotely, they should have been taking care of
17 everything for him to understand.

18 MR. SEILHAMER: We can discuss the
19 logistics or whatever. We have two options: We
20 can wait until our technical team tries to figure
21 it out or we can ask the questions in English.
22 That's the two options we have right now.

23 MR. VAZQUEZ: What we can do, I can
24 start making my questions; if everything flows, we
25 can keep it like that way while the logistics team

1 continues to do whatever they need to do.

2 MR. SEILHAMER: Well, if we start
3 one way, we are going to finish that way because
4 then we'll have to interrupt everything and stat
5 over.

6 So it's a decision that you guys
7 have to make.

8 MR. VAZQUEZ: I'll -- I'll do it in
9 English.

10 MR. SEILHAMER: You'll do it in
11 English? Okay.

12 MR. VAZQUEZ: I don't want to hold
13 up everything.

14 MR. SEILHAMER: That's fine.
15 Go ahead, Mr. Wood.

16 CROSS-EXAMINATION OF LEE WOOD
17 BY MR. VAZQUEZ:

18 Q. Once again, good afternoon, Mr. Wood.

19 A. Good afternoon.

20 Q. Mr. Wood, at the beginning of your
21 testimony from questions of the consultants of the
22 Bureau, they asked you about your position with LUMA
23 and you said that you were an adviser, right?

24 A. That's correct.

25 Q. But at the time that you rendered your

1 testimony or your testimonies were rendered here, as
2 director of the business transformation program; is
3 that right?

4 A. That's correct.

5 Q. Are you still leading that department?

6 A. I'm no longer director of business
7 transportation.

8 Q. So basically today's questions that have
9 been asked today, even Commissioner Mateo's remarks
10 asking that if this activity was in an environment
11 that you were leading, basically we got the notion
12 that you were still leading and those answers were
13 given as director of the -- of the business
14 transformation program, right?

15 MS. MERCADO: I object to the
16 question. You may ask him openly to explain, but I
17 think you're having some inferences.

18 MR. SEILHAMER: I would allow the
19 question because that was my understanding, too,
20 when I heard his testimony.

21 MS. MERCADO: Okay.

22 BY MR. VAZQUEZ:

23 Q. I will ask again --

24 A. I don't remember --

25 Q. Your answers that were given today are as

1 an adviser or as the director of the business
2 transformation program of LUMA?

3 A. My answers today are provided as the
4 adviser referencing my experience as director of
5 business transformation.

6 Q. As was asked or at some moment of your
7 testimony Commissioner Mateo was making some
8 statements or remarks about the department that you
9 lead. But you never told her that you weren't
10 leading that department anymore, right?

11 A. I'm sorry. I don't remember -- I don't
12 recall the question about the department that I
13 lead.

14 Q. Since --

15 A. If there was a question, I would have
16 responded to it in reference to the department,
17 with respect to the department that I formerly led.

18 Q. Since when you are not leading that
19 department?

20 A. December -- end of November, or was it
21 early December of 2022.

22 Q. Do you know if that was not given notice
23 to the Bureau?

24 A. I did not give notice -- I'm not sure if
25 the Bureau did get a notice of that.

1 Q. What is your involvement right now with
2 LUMA? What is your work?

3 A. I'm a technical adviser.

4 Q. Since the end of November, you're not
5 overseeing the business transformation department;
6 is that right?

7 A. That's correct.

8 Q. So do you have personal knowledge of what
9 are the -- let me rephrase that.

10 Basically you stated and you gave answers
11 of things that LUMA was doing today, up till today,
12 regarding the program and the questions that were
13 asked today; is that right?

14 A. I do remember providing data and numbers
15 that are the latest statistics that came from the
16 interconnection progress report that was filed in
17 January.

18 Q. So your knowledge about what was asked is
19 specifically from the report that was filed last
20 January.

21 A. You would have to be more specific about
22 what knowledge you're referring to.

23 COMMISSIONER MATEO: Commissioner
24 Mateo for the record.

25 Just to clarify the record, when I

1 asked Mr. Wood questions about the interconnection
2 docket, I was talking about when he was leading
3 that process.

4 I was -- I am aware that he's not
5 working in that position in LUMA anymore.

6 So I was asking him about
7 information that he knew because at that moment in
8 time he was in charge of that.

9 So just so everybody is clear that I
10 was not under the impression that he was still in
11 that same position.

12 MR. SEILHAMER: Thank you for the
13 clarification.

14 MR. VAZQUEZ: Just for the record,
15 we were under the impression, we were never
16 noticed -- given notice -- that Mr. Wood, in his
17 testimony, that was given as director.

18 He changed his position and was no
19 longer working as director in LUMA. Okay?

20 But we can continue with our cross.

21 MR. SEILHAMER: Noted.

22 BY MR. VAZQUEZ:

23 Q. Mr. Wood, I'm going to address Question --
24 line 155 of your rebuttal testimony, the one on
25 February 17. Let me upload it.

1 MR. SEILHAMER: Can you repeat the
2 number of the exhibit?

3 MR. VAZQUEZ: The exhibit? I didn't
4 say exhibit.

5 MR. SEILHAMER: Is that his direct
6 testimony?

7 MR. VAZQUEZ: His direct testimony
8 February 17, 2022.

9 MR. SEILHAMER: Direct testimony
10 will be Exhibit 23.

11 MR. VAZQUEZ: Sorry --

12 MR. SEILHAMER: This will be
13 Exhibit 23, so everybody at the table can follow
14 the questions.

15 MR. VAZQUEZ: I misspoke.

16 MR. SEILHAMER: Okay.

17 MR. VAZQUEZ: It's the rebuttal
18 testimony of February 17, 2022.

19 MR. SEILHAMER: Okay. Then that
20 will be Exhibit 21.

21 BY MR. VAZQUEZ:

22 Q. Mr. Wood, I'm directing you to that
23 testimony specifically line 155 -- actually, the
24 question was both on line 148.

25 And basically you're stating your

1 position that you do not agree with Mr. Cosme's
2 statement regarding -- and I will read that:

3 "An indefinite number of projects of 25
4 kilowatts or less and some over 25 kilowatts
5 may remain for an indefinite amount of time in
6 an undetermined, incomplete or unfinished
7 status."

8 A [No audible response.]

9 Q. Are you there?

10 A. I see this. Yes, I see the testimony,
11 yes.

12 Q. So basically the metric you're proposing
13 will only address the net metering charge activation
14 on the customer -- on the customer, right?

15 A. If I understand your question correctly,
16 the metric we're proposing addresses net metering
17 tariff activation, yes.

18 Q. All right. So basically it doesn't take
19 into consideration the -- when the project is
20 completed, right?

21 A. Well, from a -- we're defining "complete"
22 for the purpose of the metric, when it's activated.
23 But there are additional steps that some of these
24 projects may go through related to system upgrades.

25 Q. The question was if that metric addressed

1 the completeness of a project.

2 MS. MERCADO: Could you clarify what
3 you mean by "completeness of a project"?

4 THE WITNESS: Can you clarify?

5 BY MR. VAZQUEZ:

6 Q. So basically do you agree that -- is the
7 project completed or concluded by LUMA after the net
8 metering is activated?

9 A. Can you define "complete"?

10 MR. VAZQUEZ: What was it?

11 COURT REPORTER: Can you define
12 "complete"?

13 BY MR. VAZQUEZ:

14 Q. At the time of the net metering
15 activation, it is permanent or there are still some
16 issues or some matters pending for LUMA that could
17 end in the revocation of the net meter -- the net
18 energy metering activation?

19 A. I see what you're saying.

20 Once we've activated their tariff, it's
21 permanent, barring -- there are several provisions
22 in the regulation whereupon LUMA could deactivate
23 that.

24 There are different provisions in what
25 causes -- some of them are safety provisions or

1 other types of provisions that would lead to
2 deactivation of that.

3 To my knowledge, that's more likely
4 [inaudible] but -- so by and large, once that's
5 been activated, it's [inaudible] --

6 Q. So basically you're telling me if LUMA can
7 be activated after being given the tariff, that
8 means it's not permanent, right?

9 A. I mean, yes, in the regulation. The
10 regulation provides for certain circumstances,
11 certain very specific circumstances that could lead
12 to inactivating that -- or deactivating, yes.

13 Q. On the lines that I've cited just before
14 148 to 152, basically you don't agree when Mr. Cosme
15 states that the action plan implanted or carried on
16 by LUMA to take care of the backlog could end up in
17 a case that even though that it has the net energy
18 meter -- the tariff -- it is not concluded because
19 there is still pending things like the one you just
20 stated that involved LUMA taking out the -- or
21 deactivating the tariff, if you want to call it like
22 that.

23 MS. MERCADO: I object to the
24 characterization of the prior testimony, using the
25 word "concluded."

1 MR. SEILHAMER: We are going to
2 allow the witness to answer. We are going to give
3 him some leeway since, you know, he requested to
4 ask the question in Spanish.

5 So I'm going to leave some leeway in
6 terms of how he tries to [inaudible] his question.

7 So go ahead.

8 BY MR. VAZQUEZ:

9 Q. You may answer, Mr. Lee Wood.

10 A. I appreciate your accommodating by
11 reposing the question. (Inaudible).

12 I'm sorry.

13 Would you mind repeating the question?

14 Q. Basically I'm going over what you stated
15 in your testimony.

16 Line 55 says that:

17 "Mr. Cosme acknowledges that LUMA has
18 implemented new actions to comply with Act
19 Number 17."

20 And we are talking there about the action
21 plan implemented by LUMA to address backlog, right?

22 A. Correct.

23 Q. So basically what Mr. Cosme stated that
24 when the customer is given the tariff, then the
25 plan, as implemented by LUMA, take care of the

1 activation, but there are still open cases before
2 LUMA that even though that they have the tariff,
3 they are not ended, right?

4 A. I see what you're saying.

5 So Act 17 and 114 require us to complete
6 the activation of cases within 30 days. And
7 there's an additional step that is [inaudible]
8 studies that LUMA has to complete to determine
9 whether grid updates are needed for the project.

10 Act 17 and 114 do not allow us to delay a
11 project activation while we conduct those studies.

12 And so, yes, you're right to say that
13 once we activate these projects, they are
14 activated, and we receive the benefit.

15 But then some of them -- some of them,
16 not all of them by far -- will receive additional
17 studies that could determine at a later date
18 [inaudible] --

19 Q. Can you quantify when you say "some of
20 them"?

21 A. No, [inaudible] --

22 Q. I'm going to take you to the 189 line in
23 your testimony.

24 A. Okay.

25 Q. Let me take you there.

1 It basically says:

2 "Since June, LUMA has activated net
3 service for approximately 17,000 customers
4 representing 90 megawatts of [inaudible]
5 generation" --

6 And it -- do you see that sentence?

7 A [No audible response.]

8 Q. Are you there?

9 A. Yes, I can see it.

10 Q. So I'm going to show you right now what
11 we've identified as -- hold on.

12 [Brief pause in the proceedings.]

13 MR. VAZQUEZ: This is Identification
14 Number 14 [inaudible] -- I am going to ask that it
15 be -- this is in the document that we provided.

16 MS. MERCADO: Is it 14? Sorry.

17 MR. VAZQUEZ: The ID is 14.

18 MR. SEILHAMER: We're going to mark
19 it as Exhibit 37 [verbatim].

20 MS. ARROYO: Thirty-eight.

21 MR. SEILHAMER: Thirty-eight?

22 Sorry, yes.

23 [Exhibit Number 38 was marked for
24 identification.]

25

1 BY MR. VAZQUEZ:

2 Q. Mr. Wood, I'm showing you a request of
3 information that was produced by LUMA on a June 2,
4 2022 motion, all right? In the case?

5 MS. MERCADO: Before you ask your
6 question, I believe the document is in Spanish, so
7 do you have a translation for the witness?

8 MR. VAZQUEZ: So basically what
9 we're going to show him is numbers.

10 MS. MERCADO: Okay. So if it's just
11 numbers, the witness can say if he knows.

12 MR. VAZQUEZ: Actually, this is
13 information from the department that he lead at the
14 moment. So basically he should know the answers
15 about it.

16 MS. MERCADO: If he doesn't
17 understand a portion of the --

18 MR. SEILHAMER: Let's just wait and
19 let's not try to -- if you have an objection, I
20 don't want to give the witness -- I don't want to
21 give the witness the answered, either.

22 MS. MERCADO: It wasn't my intention
23 to.

24 MR. SEILHAMER: State your objection
25 and let's wait until the witness answers if he can

1 understand or not.

2 MS. MERCADO: Okay. And for the
3 record, I am just stating (inaudible) language, I
4 was not suggesting any --

5 BY MR. VAZQUEZ:

6 Q. Mr. Wood --

7 A. Yes.

8 Q. -- do you remember at some point that the
9 Bureau asked regarding the cases that were still
10 open, even though after they were given the tariff,
11 the net metering tariff? Do you recall?

12 A. I don't remember this in particular, no.

13 Q. Okay. So basically this is a document
14 produced by LUMA and it says in Spanish, Mr. Wood,
15 "casos May 21 through April 22"; all right?

16 So it says:

17 "Closed 6,327; open, 16,229; total,
18 22,556."

19 Correct?

20 A. I see it.

21 Q. Did you say yes?

22 A. Yes, I understand.

23 Q. So basically, going back to your testimony
24 that you were stating that from June up until the
25 date, this testimony was February of 2022, they were

1 still open. And LUMA gave the tariff to 17,000
2 clients, right?

3 A [No audible response.]

4 Q. But they were still open 16,000 cases,
5 correct?

6 A. So let me clarify these terms here
7 "opened" and "closed" and "17,000."

8 So 17,000 is the number of cases that we
9 activated.

10 Q. Right.

11 A. And we activated the case -- this refers
12 to -- talking about this as "closed" or "opened"
13 within the portal.

14 If you log into these cases [inaudible].

15 They -- the portal has -- the portal will
16 show these projects as still being in progress,
17 some of them, when they have been activated, they
18 have been activated.

19 So the portal shows many of them still in
20 progress because [inaudible] --

21 Q. Mr. Wood, wouldn't you concur, basically,
22 that even though the actual plan implemented for
23 LUMA was to address the backlog. What we have done
24 is, now we've taken care of the backlog, but there
25 are still open cases so basically we just move work

1 in the process are the cases, they still open cases?

2 MS. MERCADO: Could you clarify the
3 time frame?

4 THE WITNESS: No.

5 MS. MERCADO: I am sorry, I have an
6 objection -- the time period you're referring to.

7 June or now? Because we're talking
8 about different time frames.

9 MR. VAZQUEZ: I made reference to
10 his testimony. He said the time frame over there.

11 MR. SEILHAMER: If he's referring to
12 the testimony, then the answer should be regarding
13 his testimony.

14 MS. MERCADO: Yeah. And the
15 testimony is from February. I don't want to -- you
16 know, if he can clarify the time frame.

17 MR. SEILHAMER: Counsel, could you
18 state the lines in his testimony so he can
19 reference --

20 MR. VAZQUEZ: So basically in his
21 testimony -- the date of the testimony is February
22 17, 2022.

23 MR. SEILHAMER: Can you project his
24 testimony in the computer so he can see it?

25 THE WITNESS: Thank you.

1 MR. SEILHAMER: It was -- which line
2 is this?

3 MR. VAZQUEZ: Specifically line 189.

4 THE WITNESS: Okay.

5 BY MR. VAZQUEZ:

6 Q. So basically from 17,000 customers that
7 were given the net energy metering tariff, you still
8 have open 16,000.

9 So basically we just moved the point
10 where the cases are stuck, right?

11 A. By definition, this metric [inaudible]
12 the product is no longer the backlog, but the
13 service [inaudible] --

14 Q. Mr. Wood, I'm bringing up this
15 information, not taking into consideration this
16 metric, it's taking into consideration what
17 Mr. Cosme proposed, basically that just taking
18 care -- doing a metric specifically only for net
19 metering will have this result?

20 MS. MERCADO: I object. Counsel is
21 arguing with the witness.

22 MR. SEILHAMER: Can you restate the
23 question?

24 BY MR. VAZQUEZ:

25 Q. Don't you agree that basically what Mr.

1 Cosme stated is right, that basically given the net
2 -- doing the metric for net energy metering will
3 only take care of that part, but we'll still have
4 cases open?

5 A. No. I believe it is-- what Mr. Cosme was
6 suggesting is that we -- for every project, we go
7 through every stage of review and evaluation and
8 study before we mark it as complete.

9 So we validate it, we do the engineering
10 studies, we change the meter, we activate it,
11 inspect it, and then it's complete.

12 So that's the process that PREPA was --
13 that's the process that led to the backlog.

14 And Act 114 specifically says that for --
15 in expedited cases, that utility has got to perform
16 that entire process before activating it and giving
17 customers the benefit of that (inaudible).

18 But if there are components of that
19 process that extend beyond activation, like I
20 mostly did a supplemental study, the utility still
21 performs those, it can't withhold that net metering
22 service prior to performing the services.

23 MR. SEILHAMER: Counselor, you have
24 five minutes left.

25 THE WITNESS: And so what -- the

1 last point was that Mr. Cosme was suggesting that
2 by -- even after we've activated cases, the
3 customers are receiving the benefit that by having
4 the engineering study process to be ongoing, that
5 that is going to deter customers from installing.

6 And so I think that's what he was
7 getting at. He was suggesting that we should do
8 the study and complete the study. Prior --

9 BY MR. VAZQUEZ:

10 Q. Mr. Wood, that wasn't Mr. Cosme
11 testifying.

12 MS. MERCADO: If you would let him
13 finish? I would ask that he be given the
14 opportunity to finish.

15 MR. VAZQUEZ: That wasn't asked.
16 He's not answering my question. I didn't ask
17 him -- I didn't ask him that.

18 MS. MERCADO: Well, that's --

19 BY MR. VAZQUEZ:

20 Q. So basically wasn't what Mr. Cosme
21 proposed is for the completion of the
22 interconnection project, a metric for
23 interconnection completion project, right?

24 A [No audible response.]

25 Q. Right?

1 MS. MERCADO: Can you show him the
2 document?

3 THE WITNESS: The question is: Did
4 Mr. Cosme propose -- if you don't reference
5 specific language, I'll have to just take your word
6 for it.

7 MR. SEILHAMER: Counselor --

8 MS. MERCADO: I couldn't hear.

9 MR. SEILHAMER: -- you cannot
10 provide answers to the witness.

11 MS. MERCADO: I didn't provide an
12 answer, I just asked if he could show him a
13 document.

14 MR. SEILHAMER: You made a
15 statement: Show him the document. His next answer
16 was: Can you provide me the document?

17 MS. MERCADO: No, but I wasn't
18 suggesting the answer to the question.

19 MR. SEILHAMER: If it was
20 unintentional that's okay, but, like I say, but if
21 you have an objection, you can raise it but try to
22 avoid --

23 MR. MURTHY: It wasn't my intent to
24 suggest an answer to the asked question.

25

1 BY MR. VAZQUEZ:

2 Q. I'm going to show you Mr. Cosme's
3 testimony.

4 Could you please read line 82?

5 A. Thank you.

6 "Furthermore, we also recommend that a
7 performance metric should be considered for
8 completion of the interconnection projects."

9 Q. So basically --

10 A. Do you want me to keep going?

11 Q. So basically -- now I'll ask it again: Do
12 you agree, then, that basically what is proposing,
13 Mr. Cosme will take care of that 16,000 that's still
14 open cases?

15 A. Is there somewhere a definition of
16 "completion" [inaudible] --

17 Q. [Inaudible].

18 A. Can you restate the question?

19 Q. Wouldn't you agree that Mr. Cosme's
20 proposal will take care of those open cases, those
21 16,000 cases open?

22 A. Mr. Cosme's proposal will take care of --
23 I don't agree that Mr. Cosme's proposal.

24 Q. I'm sorry, Mr. Wood. It was a yes-or-no
25 question.

1 MR. SEILHAMER: Okay, yes or no.

2 THE WITNESS: [Inaudible].

3 BY MR. VAZQUEZ:

4 Q. Basically for what you are proposing,
5 which is the net activation tariff, the law already
6 provides what you have to do and in what time you
7 have to comply with, right?

8 A. Yes.

9 Q. So basically providing a metric for
10 something that the law does not provide will help
11 that company to perform better and conclude the
12 cases that are still open?

13 A. Is this a yes-or-no question or can I --

14 Q. Yes, yes or no.

15 A. Yes.

16 Q. Thank you.

17 Mr. Wood, you state that basically the
18 validation process will take 12 days on average,
19 correct?

20 A. Without any [inaudible] I'll have to take
21 your word for it, but that sounds approximately.

22 Q. Don't you agree that the validation
23 process is just to verify that the application is
24 full, fill out?

25 A. Is this yes or no?

1 Q. Yes.

2 A. Yes.

3 MR. SEILHAMER: Counselor, we need
4 to wrap it up.

5 BY MR. VAZQUEZ:

6 Q. So basically you're telling me that you
7 will need 12 days just to get somebody to verify the
8 document and verify that it's fill out properly,
9 correct?

10 A. No.

11 MR. SEILHAMER: One last question.

12 MR. VAZQUEZ: I will request, I know
13 that the time limits were set, but we're trying to
14 help to move this forward, I won't take that much
15 time and do our questioning in English.

16 So if at some point we can address a
17 little bit more the witness, we would appreciate
18 it.

19 MR. SEILHAMER: The problem we have
20 is that the witness is traveling in a couple
21 minutes, so that's the reason that we scheduled
22 him.

23 The time is over. If he was
24 available, but the 30 minutes I gave you --
25 actually, 35 minutes, just because you were doing

1 it in English and I know it was out of your --

2 But that's the time we have. Sorry.

3 Counselor yesterday argued the same
4 thing and it was the same answer. It's the time we
5 have allocated and we stated it at the beginning of
6 the hearing today.

7 So you have one last question if you
8 want to make it.

9 MR. VAZQUEZ: I will address --
10 okay.

11 BY MR. VAZQUEZ:

12 Q. So, Mr. Wood, after the tariff is
13 activated on the customer bill or account, there are
14 still some pending matters that will be subject --
15 the customer for -- at some point, they could
16 reverse the activation after the supplemental study,
17 right?

18 A. That's correct.

19 Q. How long does it take, a supplemental
20 study?

21 A. I don't know how long that takes. We do
22 that for some cases one off; for others, we try to
23 do it in a cluster. So I'm not able to quantify
24 that, I'm sorry.

25 MR. VAZQUEZ: Mr. Wood, I'm showing

1 you what we'll have marked as ID Number 15, okay?

2 [ID Number 15 was identified.]

3 THE WITNESS: Okay, I can see it.

4 BY MR. VAZQUEZ:

5 Q. This is a printout of the portal of the
6 projects regarding distributor generation in a
7 project pending before LUMA.

8 I'm going to show you --

9 A. Okay.

10 Q. For example, I'm going to show you the
11 ones that are not blacked out like 2021, CD09500.

12 Do you see that?

13 MS. MERCADO: I have an objection to
14 this document. So it's heavily redacted. You
15 know, I think it's the first time it's been
16 introduced. It was marked as an ID, but I don't
17 think it's been marked as an exhibit.

18 MR. SEILHAMER: It hasn't been
19 marked.

20 MS. MERCADO: Correct. So I would
21 think a foundation needs to be laid. It's heavily
22 redacted.

23 MR. VAZQUEZ: Correct. I do have
24 the original here without redaction. So if counsel
25 wants to review it --

1 MR. SEILHAMER: Is it a document
2 that's already been ID'd in your --

3 MR. VAZQUEZ: Yes, yes. Number 15.

4 MR. SEILHAMER: Number 15.

5 One-minute recess.

6 [Exhibit 39 was marked for
7 identification.]

8 [Whereupon, a recess transpired from 4:43
9 p.m. until 4:46 p.m.]

10 MR. SEILHAMER: We are only going to
11 this particular question on this document because
12 we're out of time. We gave you some extra
13 questions out of the scope.

14 So go ahead.

15 MS. MERCADO: I'm sorry. Can you
16 give me the ID number for this one?

17 MR. SEILHAMER: Fifteen.

18 MR. VAZQUEZ: Fifteen.

19 BY MR. VAZQUEZ:

20 Q. Mr. Wood --

21 A. Yes, sir.

22 Q. -- are you coming here with the portal,
23 the interconnection portal?

24 A. I am.

25 Q. Okay. Are you seeing what is basically

1 the landing page of the projects of a proponent?

2 A. I have.

3 Q. Do you --

4 MR. SEILHAMER: Counselor, can you
5 share it so we can also look? It's not in the --

6 MR. VAZQUEZ: It's in English.

7 MR. SEILHAMER: He's looking at it,
8 but we also have to look at it.

9 MS. ARROYO: They are not sharing
10 it.

11 MR. VAZQUEZ: Yeah, sorry, sorry.

12 BY MR. VAZQUEZ:

13 Q. You already answered that you were
14 familiar with the proponents of the project of
15 interconnection, right?

16 A. That's right.

17 Q. Can you see the page I'm showing you?

18 A. I can.

19 Q. Do you recognize as the landing page of
20 the proponent's page of the -- of the portal?

21 A. Yes. Yes, I do.

22 MR. VAZQUEZ: At this moment, I will
23 ask to introduce this as evidence and be marked.

24 MR. SEILHAMER: We are going to
25 allow it. If he's familiar with the page we are

1 going to allow it.

2 BY MR. VAZQUEZ:

3 Q. Basically, Mr. Wood, I'm going to ask you
4 some examples of projects that are here.

5 Do you see the first one, it will say
6 2021, GD9500.

7 Do you see that?

8 A. Yes, I do.

9 Q. And you see that the date is 27-2-2021; is
10 that correct?

11 A. Yes.

12 Q. And it says [In Spanish.]

13 A. Yes.

14 Q. Do you know what [In Spanish.]

15 A. Yes.

16 Q. What that mean?

17 A. It means it's the [inaudible] supplement
18 study or it's the [inaudible] supplemental study.

19 Q. From the date, it says it was
20 February 2021. And -- well, actually, the project
21 was submitted on September 2, 2021, correct?

22 MS. MERCADO: I have an objection to
23 going --

24 MR. SEILHAMER: Yes.

25 MS. MERCADO: If we can excuse the

1 witness --

2 MR. VAZQUEZ: He already answered.

3 MS. MERCADO: Yes, but I have an
4 objection to continued questions on this document,
5 on the content. If you want to excuse him.

6 MR. VAZQUEZ: It was already
7 admitted into evidence, so I can ask him the
8 content. That's precisely what can be done after
9 it's admitted in evidence.

10 MR. SEILHAMER: What's the --

11 MS. MERCADO: It was authenticated
12 as the landing page of the portal, but now he says
13 he's asking about specific projects, so it's beyond
14 the landing page.

15 It has a project number, so we are
16 going into projects so rather than the landing page
17 of the portal.

18 MR. VAZQUEZ: I can ask directly on
19 the landing page only, all right? I will withdraw
20 my question and I will ask on the landing page
21 only.

22 MR. SEILHAMER: Yeah.

23 BY MR. VAZQUEZ:

24 Q. In the first one, it says it was created
25 February 2 -- sorry, February 22, 2021, correct?

1 A. Correct.

2 Q. So at this time, it's still pending; is
3 that correct?

4 MS. MERCADO: This is my objection.
5 Renew my objection.

6 MR. SEILHAMER: And I sustain
7 because we don't -- the problem here is that we
8 don't have the date that this document was printed.
9 I don't know if it was printed yesterday or today,
10 in 2021.

11 So we are not -- and I sustain the
12 objection. We're not in a position to know when
13 this page was actually printed so we don't know if
14 it was in 2021, 2022 or 2023.

15 So we will be guessing the date and
16 how time has lapsed from one point to the other.

17 MS. MERCADO: Correct.

18 MR. VAZQUEZ: Just to verify, at the
19 end of the portal you will see that the version is
20 January 5, 2023. So at least it was printed on or
21 after January 5, 2023.

22 MS. MERCADO: That's argument from
23 counsel. It needs to be established for someone
24 with knowledge of maintaining the page and when
25 it's a printout, but for the accuracy --

1 MR. SEILHAMER: You can ask the
2 witness if he -- you can ask that to him.

3 MR. VAZQUEZ: Okay.

4 BY MR. VAZQUEZ:

5 Q. Mr. Wood, do you see the date? The date
6 on the bottom part of the page --

7 A. Yes.

8 Q. -- what it says?

9 A. I do see it: 2023, January 5.

10 MS. MERCADO: He can read it, but to
11 authenticate whose property was retained, does it
12 accurately reflect the portal --

13 MR. VAZQUEZ: This has been already
14 authenticated and admitted into evidence.

15 I can ask about the content of the
16 document. That was admitted into evidence. Once
17 it's admitted into evidence, I can ask him about
18 the content.

19 MR. SEILHAMER: Counselor, first of
20 all, I allowed one question, which you already have
21 made.

22 We have gone beyond the question.
23 The steps that -- in order to authenticate, there
24 are more questions that need to be asked that
25 haven't been asked.

1 The only question that you asked him
2 is: What's the date there?

3 MR. VAZQUEZ: Basically it shouldn't
4 have been admitted into evidence.

5 MR. SEILHAMER: We admitted that it
6 was the landing page [In Spanish].

7 MR. VAZQUEZ: I'll withdraw my
8 question. Let me ask one more question.

9 MR. SEILHAMER: Fine.

10 BY MR. VAZQUEZ:

11 **Q. Mr. Wood, do you have knowledge that cases**
12 **have been more than one year waiting for the**
13 **supplemental study?**

14 A. Yes.

15 MS. MERCADO: I object to that.

16 MR. SEILHAMER: No, that's a valid
17 question.

18 MS. MERCADO: Okay. Go ahead. I
19 withdraw, I withdraw.

20 MR. SEILHAMER: And the answer is
21 yes.

22 MR. VAZQUEZ: No further questions.

23 MR. SEILHAMER: Okay, thank you.

24 MS. MERCADO: I have a redirect, one
25 question.

1 MR. SEILHAMER: Denied. The
2 guidelines provided that --

3 MS. MERCADO: Yeah, I'm requesting
4 leave to do it. I just have one question and it's
5 related to the last question that he just answered.
6 It wouldn't take too long and it's important. Many
7 questions have been asked of the witness.

8 MR. SEILHAMER: There's an order.
9 It's LECO's turn. If your witness can wait, but --

10 MS. MERCADO: LECO stated that they
11 don't have questions for this witness. That's why
12 I asked now.

13 MR. MURTHY: Your Honor, there's no
14 provision for redirect in the protocol of this
15 case. And we ask for that to be denied.

16 MR. SEILHAMER: It's denied.

17 COMMISSIONER TORRES: I want to
18 know: Is Lee Wood excused because he has a plane
19 to catch?

20 MR. SEILHAMER: He will be excused
21 as long as LECO doesn't have questions for him.

22 COMMISSIONER TORRES: LECO said they
23 don't have questions.

24 MR. MURTHY: We don't have
25 questions.

1 MR. SEILHAMER: Can we excuse the
2 witness?

3 MS. MERCADO: Having had my request
4 denied, it's up to the Bureau.

5 MR. SEILHAMER: The witness can
6 leave. He's excused. Thank you for your time.

7 THE WITNESS: Thank you very much.
8 Thank you.

9 [Whereupon, the witness was excused from
10 the proceedings.]

11 MS. MERCADO: (In Spanish.)

12 MR. SEILHAMER: Noted.

13 MS. ARROYO: (In Spanish.)

14 MR. SEILHAMER: Noted.

15 Can we proceed?

16 MS. MERCADO: (In Spanish.)

17 MR. SEILHAMER: It's noted and we
18 recognize your right to object.

19 We take notice of what has been
20 brought upon us and it's in the record.

21 MS. ARROYO: Can we clarify for the
22 record that --

23 MR. SEILHAMER: Now we're extending
24 attorneys more than one and the rules have been
25 that one attorney and another attorney can object.

1 So now it's a third attorney, I'm
2 not going to allow the remarks. If any of the two
3 attorneys on record here -- sorry.

4 MS. ARROYO: This is Attorney Arroyo
5 for the record.

6 COMMISSIONER MATEO: Nobody has been
7 denied the chance or the right or opportunity for
8 objections. What we're asking is that they are
9 done in an orderly manner and a proper manner so it
10 doesn't influence or directly or indirectly or
11 unintentionally give the opportunity to the witness
12 to change what he or she was going to say.

13 That's the only thing and that's
14 basically in any agency or court of law.

15 So we're not asking for something
16 different. So follow the procedure, the hearing
17 examiner said yesterday on many occasions: State
18 your objection; do not argue it and let the witness
19 answer, if we do not give you the objection, grant
20 you the objection.

21 So let's follow the procedures.
22 That's the only thing we're asking.

23 MR. SEILHAMER: LECO, you can start
24 your 30 minutes.

25 MR. MURTHY: Thank you.

1 I would like to start with
2 Ms. Watkins.

3 EXAMINATION OF DIANE WATKINS
4 BY MR. MURTHY:

5 Q. Good afternoon, Ms. Watkins. I would like
6 for you to look at Exhibit 28, which is your second
7 rebuttal testimony.

8 A. [Witness complies.]

9 MR. MURTHY: In LUMA's record, I
10 think it might be 17.

11 MS. MERCADO: Which page?

12 THE WITNESS: I have it.

13 BY MR. MURTHY:

14 Q. I would like you to look at line 86.

15 A. Okay.

16 Q. So this is in response to Dr. Irizarry's
17 testimony. And Dr. Irizarry's testified that work
18 location was one factor in how vegetation management
19 was prioritized; is that right?

20 A. That's what he testified.

21 Q. I would like to go over some additional
22 factors in setting goals for vegetation management.

23 Is availability of vehicle access one of
24 those factors?

25 A. Are you asking what I consider the

1 factors to be?

2 **Q. Yes.**

3 A. I disagree with Mr. Irizarry's viewpoint
4 of the factors for determining vegetation
5 management. We prioritize the work based on impact
6 to the customer in terms of safety and outages and
7 reliability, not based on where the work is
8 located.

9 **Q. In terms of prioritizing projects,**
10 **vegetation management projects, work location would**
11 **be one factor; would you agree?**

12 A. No. As I just said, we don't prioritize
13 solely by work location. We prioritize based on
14 impact to the system.

15 **Q. Your priorities in setting -- in deciding**
16 **what vegetation project to do are safety and you**
17 **mentioned impact to the customer; is that right?**

18 A. Those are two of the factors.

19 **Q. What other factors might you consider in**
20 **deciding which vegetation management projects to do?**

21 A. Some of the other factors would be
22 availability of crews and their skill sets and
23 equipment available.

24 **Q. Okay. So LUMA assesses each of these**
25 **factors for each vegetation management project,**

1 right? Safety, impact to the customer, the
2 availability of crews; is that right?

3 A. We assess these factors when we create
4 the work plan, yes.

5 Q. Okay. So taking those factors into
6 account, creating the work plan, LUMA could
7 determine the relative difficulty of each project;
8 is that fair?

9 A. I don't know how to define "difficulty."

10 Q. You couldn't say how to define the
11 difficulty of each vegetation management project?

12 A. No. Are you asking about how long it
13 takes; how much it costs; how many people. I don't
14 know how to define "difficulty."

15 Q. Let's take it in terms of those factors
16 into consideration. How long it takes, how much it
17 costs and how many people it takes. If we take
18 those factors into account and use those factors to
19 determine the relative difficulty of each vegetation
20 management project.

21 A. If you wanted us to assign a difficulty
22 based on those three factors, we could.

23 Q. Thank you.

24 I wanted to ask you a few questions about
25 your direct testimony, which I think is Exhibit 29,

1 but in your binder -- I think it's Exhibit 18 maybe
2 in your binder.

3 A. October 28 originally?

4 Q. I think that's right.

5 I am looking at line 136.

6 A. I have it.

7 Q. So here you explain that LUMA set the
8 minimum performance level for vegetation management
9 at 10 percent of the annual target goal; is that
10 right?

11 A. That's correct.

12 Q. That's not based on historical performance
13 data from PREPA; is that correct?

14 A. Correct.

15 Q. Okay. Is it based on performance data
16 from LUMA?

17 A. Our historical performance data from
18 fiscal year 2022 was factored into all of the
19 targets we set, including the minimum performance
20 level.

21 Q. How did LUMA use its performance data to
22 arrive at this 10 percent figure?

23 A. We thought it prudent to set a very
24 conservative value. The minimum represents --
25 well, a minimum and a starting point.

1 So we had set, as I explained earlier,
2 using historical performance data, then a target,
3 100 percent at 1,600, and felt that a conservative
4 approach would be to use 10 percent of that 1,600.

5 **Q. Okay. So in LUMA's view in setting the**
6 **minimum performance level, 10 percent corresponded**
7 **to the conservative performance?**

8 A. Correct.

9 **Q. Okay. I would like to take a look at a**
10 **discovery response that LUMA provided and this is**
11 **LECO Exhibit 13.**

12 MS. DE LA ROSA: Would you please
13 repeat the number?

14 MR. MURTHY: Sure. This is 13 in
15 the documents we provided.

16 MS. DE LA ROSA: Any particular
17 response while I pull it up here?

18 MR. MURTHY: This is the numbers
19 that we provided, 0002329.

20 MS. DE LA ROSA: Okay. Thank you.

21 MR. MURTHY: But the page number we
22 provided to you is 13.

23 MS. DE LA ROSA: Okay. Thank you.

24 BY MR. MURTHY:

25 **Q. I was looking at one question in**

1 particular here, which we tabbed with a Post-it
2 note. And I wanted to look at -- this is response
3 to LECO Request Number 7 in Round 9.

4 In B, could you read the question that's
5 set forth in B of that question?

6 A. The question or the response?

7 Q. Let's read the response.

8 A. [Reading:]

9 "The 10 percent threshold was set in
10 alignment with other metrics in the LUMA
11 revised Annex IX. The 10 percent is the
12 minimum number of miles to meet the performance
13 metrics."

14 Q. So there LUMA is saying that the
15 10 percent threshold and the methodology used to say
16 10 percent is a conservative estimate, that was used
17 in alignment with other metrics in LUMA's revised
18 Annex IX; is that right?

19 A. We had struck that statement from my
20 refiled testimony.

21 Q. Okay. So Mr. Boveña (phonetic) is able to
22 say that the 10 percent threshold was set in
23 alignment with other metrics in LUMA's revised Annex
24 IX.

25 That's something that he believed, but

1 **you do not?**

2 A. I believe that was a mistake and so we
3 struck it from his testimony.

4 **Q. Just to say that Mr. Boveña isn't here**
5 **today to describe what went into that statement and**
6 **why it's a mistake.**

7 A. He is not here today.

8 MR. MURTHY: Your Honor, I would
9 like to mark this as an exhibit in the record.

10 MR. SEILHAMER: It's going to be
11 Exhibit Number 40.

12 [Exhibit Number 40 was marked for
13 identification.]

14 MR. SEILHAMER: Just to be clear,
15 it's just the one page, correct, not the entire
16 document?

17 MR. MURTHY: Your Honor, we are
18 asking for the entire discovery response of Round
19 9.

20 MS. MERCADO: And we object to that
21 request. We request that the particular document
22 that was used be the exhibit.

23 MR. SEILHAMER: If you're going to
24 introduce other documents, then just make reference
25 to them.

1 The way we have done it even with
2 our own consultants, it's been the document that we
3 have asked the witnesses about.

4 So we will allow the document. If
5 you have other questions regarding the document,
6 you can go ahead and ask and we will mark them as
7 exhibits. We don't have a problem with that.

8 MR. MURTHY: Okay. Thank you, Your
9 Honor.

10 BY MR. MURTHY:

11 **Q. Ms. Watkins, does LUMA have a contract, an**
12 **active contract, with a company named Centurion?**

13 MS. MERCADO: I believe it's -- I
14 object on the scope regarding the relevance or
15 irrelevance.

16 MR. MURTHY: Your Honor, the
17 relevance is that LUMA does business with other
18 companies especially other companies doing
19 vegetation management.

20 Ms. Watkins is in charge of the
21 vegetation management development, so Centurion is
22 a company that does vegetation management for LUMA,
23 then Ms. Watkins would know.

24 MR. SEILHAMER: I'll allow the
25 question.

1 BY MR. MURTHY:

2 Q. Does LUMA have an active contract with a
3 company called Centurion?

4 A. Yes.

5 Q. Okay. Is Centurion an affiliate of LUMA?

6 A. Not that I know of.

7 Q. Okay.

8 MR. MURTHY: That's all the
9 questions that I have for you, Ms. Watkins.

10 I would like to move on to a few
11 questions for Mr. Cortez.

12 EXAMINATION OF DON CORTEZ

13 BY MR. MURTHY:

14 Q. Mr. Cortez, I would like to ask you a few
15 questions in a response that you provided to a
16 discovery question from the Energy Bureau.

17 And this is contained within our
18 Exhibit 7.

19 So if Mr. Cortez could be given our
20 Exhibit 7, I could direct him to the page.

21 A. Okay.

22 Q. Sorry, it's not that. It's our Exhibit 7.

23 MR. SEILHAMER: About the testimony,
24 it's the exhibit --

25 MR. MURTHY: Yes, it's one of the

1 exhibits.

2 As to that.

3 MR. MURTHY: This is LECO --

4 MS. MERCADO: ID 7.

5 MS. ARROYO: It's Exhibit 7.

6 MR. SEILHAMER: Well, that's the
7 thing, if it's the exhibit from the Bureau, it will
8 be part of his testimony, right? Is that what you
9 are asking here?

10 MR. MURTHY: Yeah. We attached the
11 exhibit -- we attached an exhibit to Dr. Irizarry's
12 testimony, we attached Round 1 from the Energy
13 Bureau and the response to that.

14 MS. ARROYO: Okay. So it's
15 Exhibit 7 that we admitted into the record.

16 MR. SEILHAMER: That we admitted
17 into the record.

18 MR. MURTHY: Yeah, yeah.

19 MR. SEILHAMER: Okay.

20 BY MR. MURTHY:

21 Q. So, Mr. Cortez, we are looking at page 277
22 in this. It's about halfway through.

23 A. I'm sorry. I'm not finding page --

24 Q. I'm sorry, it's here [indicating].

25 A. Okay.

1 Q. So, Mr. Cortez, I wanted to talk about
2 System Average Interruption Duration Index, SAIDI.

3 SAIDI is generally a measure of the
4 system's reliability; is that fair?

5 A. It's a measure of the average duration an
6 average customer would expect at a set time period.

7 Q. A lower SAIDI score indicates better
8 reliability; is that fair?

9 A. Yes.

10 Q. Okay. If LUMA's work resulted in a drop
11 in the SAIDI, that would create a benefit to
12 customers; would you agree?

13 A. Yes.

14 Q. And, conversely, if SAIDI increased under
15 LUMA's watch, that would create a harm to customers;
16 is that fair?

17 A. Conversely, yes.

18 Q. And so I want to look at your response
19 here. The question asked by the Energy Bureau was:

20 "Did LUMA calculate the incremental net
21 benefit that accrued to customers from meeting
22 the proposed targets for SAIDI and SAIFI
23 compared to the baseline?"

24 Do you see that?

25 A. Yes, I see it.

1 Q. Okay. And in response, you pointed to a
2 response from LUMA to a different Energy Bureau
3 docket; is that right?

4 A. Yes, that is correct.

5 Q. Okay. And in that response you proposed
6 to use the value of lost load; is that right?

7 A. We used the value of lost load and the
8 interruption cost estimate.

9 Q. Okay. When an outage occurs the utility,
10 PREPA, they lose load; is that right?

11 A. That's correct.

12 Q. Okay. And the value of lost load measures
13 the loss of sales to PREPA when those outages occur;
14 is that right?

15 A. No. The value in lost load is the value
16 of losing of service of what the economic value is
17 of the loss of that service.

18 Q. The economic value to the utility.

19 A. No. The economic value to the community.

20 Q. Sorry. Say that again?

21 A. The economic value to the community of
22 not having the service.

23 Q. Okay. So your understanding when you use
24 value of loss load here was that it's loss of
25 economic value to the community.

1 A. That's correct.

2 Q. Okay. There were certain prices per
3 megawatt hour used as part of that calculation; is
4 that right?

5 A. Yes, that's correct.

6 Q. Okay. They are listed as \$31,000 per
7 megawatt hour, roughly, and \$57,000 per megawatt
8 hour; is that right?

9 A. That's correct.

10 Q. Do those translate roughly to 31 cents per
11 kilowatt hour and 57 cents per kilowatt hour?

12 A. Yes.

13 Q. Going back to your response to this
14 question, you provided this proposed figure for
15 customer impact related to changes in SAIDI.

16 Does that also -- and the question also
17 asks about customer impact in relation to SAIFI.

18 Would you also propose these value of
19 loss load as a measure of customer impact from
20 changes to SAIFI?

21 A. No, we didn't calculate it based on
22 SAIFI, just on SAIDI.

23 Q. Okay. The question asks for --

24 MS. ARROYO: Mr. Hurtado is nodding
25 the answer.

1 MR. HURTADO: I was looking at his
2 testimony. I'm sorry. I did not mean to nod.
3 Sorry.

4 MR. SEILHAMER: We're allowing you
5 to be here. You can sit here at the table. You
6 can whisper, but you can't make comments and
7 interrupt the meeting.

8 MS. ARROYO: Yes, Your Honor.

9 THE WITNESS: So what was the
10 question again?

11 BY MR. MURTHY:

12 Q. The question is: So you haven't provided
13 an answer to the Energy Bureau's question as to what
14 the customer impact would be from a change to SAIDI.

15 A. No, we did not calculate that any time.

16 Q. Earlier today you mentioned that fiscal
17 year 2022 performance on SAIDI was below the minimum
18 performance level; is that right?

19 A. That's correct.

20 Q. And you mentioned that's one of the key
21 performance metrics that would eventually trigger
22 the termination clause; is that correct?

23 A. It depends on how many times we miss the
24 minimum performance.

25 Q. It would also depend on major outage

1 events; is that correct?

2 A. Well, major outage events -- I'm not
3 understanding the question.

4 Q. If a major outage event occurred during
5 fiscal year 2022, that could excuse the failure to
6 hit the minimum performance level.

7 A. If a major outage occurs then there's a
8 provision to exclude the time during the -- that
9 the major outage event occurs from the calculation.

10 Q. Thank you, Mr. Cortez. I'm going to move
11 on.

12 I wanted to look at Exhibit 24, which is
13 your February 2022 rebuttal testimony.

14 A [Witness complies.]

15 Q. Looking a line 445, so let me know when
16 you are there.

17 A. I'm there.

18 Q. Okay. Here you claim that LUMA conducted
19 a study examining appliance damage claims since
20 2017; is that right?

21 A. That's correct.

22 Q. Who specifically conducted that study?

23 A. It was people internal at LUMA.

24 Q. Okay. Are those people you under
25 direction?

1 A. Not all of them.

2 **Q. Okay. What are the names of those people?**

3 MS. MERCADO: I object as to the
4 relevance of the names of those people.

5 MR. SEILHAMER: I will allow him to
6 answer the question, the people that work --

7 MR. MURTHY: I'll withdraw it.

8 BY MR. MURTHY:

9 **Q. The claims that LUMA examined as part of**
10 **the study, those aren't anywhere in this record of**
11 **this case; is that right?**

12 A. No, we were struggling to try to identify
13 severe voltage fluctuations.

14 **Q. The conclusions from your examination**
15 **based on those claims, there's no way for the Energy**
16 **Bureau to access those claims and verify your**
17 **conclusions; is that fair?**

18 A. The Energy Bureau can request any
19 information from LUMA.

20 **Q. It's not in the record of this case; is**
21 **that fair?**

22 A. That's correct.

23 **Q. I want to look at line 434 in this**
24 **testimony, I think it's on the previous page.**

25 A [Witness complies.]

1 Q. So there you state that to issue an
2 opinion on the occurrence of voltage fluctuations
3 and decrease in power quality, one would have
4 given -- and I'm going to quote -- "precise
5 information on the sample of houses affected by
6 voltage fluctuations or power quality issues."

7 Is that right?

8 A. That's correct.

9 Q. Okay. LUMA is not providing that
10 information in this record; is that right?

11 A. No, we are not.

12 Q. Okay. So is it fair to say that without
13 providing that information, LUMA can't issue any
14 opinion on voltage fluctuations or power quality?

15 A. That's correct, not in this particular
16 accusation.

17 Q. One last question for you, Mr. Cortez.
18 You mention there are 13,000 miles of lines earlier
19 in your testimony; do you remember that?

20 A. Yes.

21 Q. Okay. You're referring to primary
22 distribution lines; is that right?

23 A. That's correct.

24 Q. Okay. And those primary distribution
25 lines, those are the lines covered by the

1 distribution line inspection metric that we -- that
2 you discussed?

3 A. That's correct.

4 Q. Okay. So that metric doesn't cover
5 secondary distribution lines.

6 A. That is correct.

7 Q. Okay. One last question:
8 Does LUMA have a federal aviation
9 administration certificate to use helicopters for
10 transmission line inspections?

11 A. I am not totally sure of that. I know we
12 do line inspections -- aerial line inspections --
13 but I'm not sure what specific FAA authorizations
14 we have.

15 Q. So you said you weren't sure, but then you
16 said you do. And I was -- a little unclear there.

17 Are you saying you do have an FAA
18 certification, but you're not sure whether --

19 MR. SEILHAMER: He answered. He
20 said that he didn't know about the certifications.
21 He knew -- in terms of the certification, he
22 answered the question that he didn't know that.

23 MR. MURTHY: Okay. Thank you, Your
24 Honor.

25 I'm going to hand the mic to a

1 different attorney who is going to ask questions.

2 Thank you, Your Honor.

3 MS. MERCADO: I object to this.

4 MR. SEILHAMER: As part the
5 guidelines specifically in this session, there were
6 several subjects and we allowed other attorneys, if
7 they were going to talk about a different subject,
8 within the panel.

9 MS. MERCADO: The order that I have,
10 I remember, if you can clarify the order for the
11 record. The order I remember is you said topics
12 and I thought technical, regulatory, and -- it's
13 one topic.

14 COMMISSIONER TORRES: There was a
15 footnote in the order and the footnote detailed
16 that a topic was regulatory, a topic was safety --

17 MS. MERCADO: Okay. I thought it
18 was just one topic.

19 MS. ARROYO: Just for the record,
20 this won't be taken out of my time, will it?

21 MR. SEILHAMER: You have ten
22 minutes -- roughly, eight minutes.

23 I'm going to give you 30 seconds
24 additional for the...

25 MS. ARROYO: For the record,

1 Attorney [Inaudible].

2 EXAMINATION OF CURTIS CLARK

3 BY MS. ARROYO

4 Q. Mr. Clark, I am going to be asking you a
5 few questions.

6 You stated earlier today that you're
7 responsible for preparing the OSHA metrics in
8 accordance with the OMA; is that correct?

9 A. That's correct.

10 Q. Can you tell me what you mean by "in
11 accordance with the OMA"?

12 A. So under the operations and maintenance
13 agreement, several performance metrics were
14 proposed.

15 Some had values agreed to in the OMA;
16 others were left to be determined as part of the
17 proceedings.

18 Under the OSHA total recordable injury
19 rate, there were values included in the original
20 OMA agreement. So that's what I am referring to,
21 "in accordance with the OMA."

22 Q. And so then in terms of your participation
23 in the preparation, you had to meet the ratios and
24 the metrics from the OMA?

25 A. Generally, yes.

1 **Q. Do you have any new way to change those**
2 **if, in your opinion, they were inadequate?**

3 A. So, yes. As I stated earlier, so in the
4 original OMA, there was some rounding on the
5 original performance metrics, they were rounded at
6 sometimes to .5 or zero-zero, numbers so that cost
7 some variance in the percentages.

8 And additionally the -- in the ways the
9 severity is calculated, the ratios for OSHA total
10 recordable injury rate and DART rate, they tend to
11 have a variance over time because of the way they
12 are calculated. So the ranges in the performance
13 levels for severity rate are slightly [inaudible]
14 or broader respectively for severity rate.

15 **Q. Thank you.**

16 **In the revised Annex IX performance**
17 **metrics, the -- OSHA's metrics are binary metrics;**
18 **is that correct?**

19 A. That's correct.

20 **Q. So by that definition, it's sort of a**
21 **pass/fail metric; is that correct?**

22 A. That's correct.

23 **Q. And the target here is zero fatalities.**

24 A. That's correct.

25 **Q. Okay. So here the proposed incentive**

1 metric is that if anything above zero fatalities
2 occur [inaudible] --

3 A. So --

4 Q. If LUMA stays with the target of zero
5 fatalities [inaudible] --

6 A. That's correct.

7 Q. Okay. Do you think that it is
8 questionable that LUMA receive money for not killing
9 any of its employees?

10 MS. MERCADO: I object to that
11 characterization.

12 MS. ARROYO: I withdraw the
13 question.

14 BY MS. ARROYO

15 Q. Under those OSHA safety measures that are
16 not binary, would you agree that anything slightly
17 above the minimum threshold is an incentive to them?

18 A. That is correct.

19 Q. Okay. Why do you think -- let me start
20 that over.

21 Anything above the minimum threshold is
22 not necessarily the target for the metric; is that
23 correct?

24 A. Yes. So the way the metrics are set up
25 is there are different tier levels between the

1 target and the minimum performance level. And that
2 percentage of points awarded for those targets is
3 based on how we achieve those different tier
4 levels, that is correct.

5 Q. Okay. But meeting those tier levels
6 doesn't mean meeting the target; is that correct?

7 A. That's correct, under the definitions of
8 the -- of the performance metrics.

9 Q. Okay. Why do you think that LUMA should
10 receive incentives for not meeting its own targets?

11 A. So the way it worked under the -- its
12 principles of the way the performance metrics were
13 established in the operations and maintenance
14 agreement. So it's in accordance with those
15 principles of the operations and maintenance
16 agreement.

17 Q. Outside of the OMA agreement, is it
18 possible that maybe they should be treated as dead
19 band instead of as incentives?

20 A. Sorry. Could you repeat that question?

21 Q. Outside of the specter of the OMA
22 agreement in performance metrics of this nature,
23 shouldn't the minimum threshold up to the target be
24 treated as a dead band?

25 MS. MERCADO: I object under

1 relevancy and beyond the scope of his testimony.

2 MR. HAVUMAKI: I will allow the
3 question.

4 THE WITNESS: You said "dead band,"
5 are you meaning to change them to binary metrics?

6 BY MS. ARROYO:

7 Q. No. By "dead band" I mean that if you are
8 above the minimum but below the target, you just
9 don't get any [inaudible] --

10 A. So if I'm -- I'm speculating.

11 So I think that's the nature of the way
12 binary targets are set, so you receive full points
13 and no points.

14 So I -- but I wasn't part of the group
15 that negotiated the operations in this agreement so
16 I can't say.

17 Q. Okay. So, for example, if I said that
18 there's a dead band between the minimum and the
19 target but above the target, do you get an
20 additional incentives?

21 A. Yes. I don't have the exact figures, but
22 I believe there is a 125 percent target as well.

23 Q. So a minimum.

24 In line -- in your direct testimony which
25 I believe is Exhibit 19, referring you to line 171

1 in your direct testimony.

2 A. Sure.

3 Q. Let me know if that refers to the
4 [inaudible] report?

5 A. You said line 171?

6 Q. Yes.

7 A. I have it as "LUMA believes PREPA
8 understated"; is that correct?

9 Q. Yes.

10 A. Yeah.

11 Q. In that line in you stated -- in that area
12 of that line, you stated that:

13 "The baselines for the OSHA metrics were
14 modified in part because of the potential
15 underreporting of PREPA given what you saw in
16 the [inaudible].

17 Is that correct?

18 A. It was based on two things: So based on
19 the submissions from PREPA to another docket, the
20 reporting of the legacy metrics, and the Castro
21 [phonetic] report, we observed there was a trend in
22 a reduction in the PREPA's recordable injury rate
23 that was significant starting at the time that the
24 [inaudible] report was generated, we tended
25 investigated the cause of that variance.

1 Q. Okay. In lines 172 to 173, I believe you
2 expressed that:

3 "In doing this incorporation of the
4 [inaudible] and [inaudible] reports, that
5 increased the metrics to a level consistent
6 with prior periods."

7 Is that accurate?

8 A. That's correct.

9 Q. What prior periods are you referring to?

10 A. So we had data from 2017 to 2020.

11 Q. So those were all periods before 2017?

12 A. Not that I have recently seen data from.

13 Q. Okay. Are you aware that in 2017, PREPA
14 filed for bankruptcy?

15 A. I am aware, yes.

16 Q. Okay. Was that taken into consideration
17 by any of your team when choosing that time period?

18 A. So we just look at the most recent time
19 period.

20 Q. Okay. Do you think that baselines for
21 OSHA metrics should be based on a past work
22 performance period?

23 A. I think the baselines should be based on
24 the most recent performance data available, yes.

25 Q. I'm going to reference your rebuttal

1 testimony now, Exhibit 20.

2 A. It should be in this one [indicating].

3 MR. SEILHAMER: This one, yes.

4 Counselor, let's start wrapping up.

5 We might have questions.

6 BY MS. ARROYO:

7 Q. In line 72 of your rebuttal testimony, do
8 you disagree with Dr. Irizarry's recommendation that
9 there should only be penalty incentives for OSHA
10 performance metrics; is that correct?

11 A. That is correct.

12 Q. In line 82, you say that:

13 (Inaudible) would be a double penalty
14 because of OSHA regulations"?

15 A. That's correct.

16 Q. [Inaudible.]

17 A. That is not always the case with OSHA.

18 Q. So there will be situations where
19 underperformance in the OSHA metrics would not be
20 penalizing (Inaudible).

21 A. So the OSHA metrics -- so performance to
22 a certain level of the metrics -- performance
23 metrics, under the operations and maintenance
24 agreement, is not -- there's no administrative
25 penalties for achieving above or below a certain

1 recordable injury rate, for example.

2 Q. So it would not be equivalent. Just
3 because you're underperforming under the OSHA
4 performance metrics, doesn't mean that there would
5 be a final [inaudible.]

6 A. That's correct.

7 Q. Does the imposition of penalties for OSHA
8 metrics actually potentially avoid OSHA violations
9 in the future?

10 A. I can't say that. I can't say for sure.

11 Q. Okay. Line 88 of your rebuttal
12 testimony --

13 A. Yes.

14 Q. -- you state that:

15 "The purpose of performance metrics is to
16 measure performance, not to deter {inaudible.]

17 A. That's correct.

18 Q. Okay. If that's the case, then why should
19 LUMA receive performance incentives for its metrics?

20 A. So you've asking me why LUMA should
21 receive performance bonuses for achieving safety
22 metrics?

23 Q. If the purpose of performance metrics is
24 to measure performance, as you state in your
25 rebuttal testimony.

1 A. So, first of all, you always think the
2 purpose of performance metrics is to meet the
3 performance, the definition of the term.

4 And so these four safety metrics, which
5 are being proposed under the OMA are indicative of
6 improved safety performance that are used in the
7 industry.

8 MR. SEILHAMER: Counselor, two more
9 questions.

10 BY MS. ARROYO:

11 Q. Regarding in line 153 of your rebuttal
12 testimony --

13 A. Sorry. You said line 123?

14 Q. 153.

15 Regarding Dr. Irizarry's proposal of
16 adding public safety performance measures, you
17 stated that:

18 "While public safety is important to
19 [inaudible] LUMA upholds those measures."

20 Is that correct?

21 A. That is correct.

22 Q. Okay. Is it [inaudible] contention that
23 LUMA cannot [inaudible] third parties, therefore,
24 they should not be penalized or incentivized for
25 [inaudible]?

1 A. That's correct.

2 **Q. Okay. Would you agree that there other**
3 **measures that also have external factors involved,**
4 **involving third parties?**

5 A. I would agree with that statement.

6 **Q. Okay. For example, the customer**
7 **satisfaction or severity rates?**

8 A. I would agree -- yeah, I would agree
9 external factors are likely to play a role in many
10 performance metrics, yes.

11 **Q. You don't only to those [inaudible] public**
12 **safety?**

13 A. To be clear, I think the amount -- the
14 way the amount of control LUMA can play in
15 performance metrics and the amount that external
16 factors play a role in performance metrics varies
17 greatly, between the performance metrics that you
18 had asked me in your question.

19 So it really depends on the specific
20 performance metrics being proposed and the
21 circumstances surrounding it.

22 **Q. For example, if there was a public safety**
23 **metric regarding response time to emergencies --**

24 A. Can you define "emergencies" in this
25 context?

1 MS. MERCADO: I would object on --
2 regarding relevance.

3 MR. SEILHAMER: We are going to
4 finish this question and this will be the last
5 answer.

6 BY MS. ARROYO:

7 Q. Emergency situations where the public may
8 be in danger regarding the [inaudible] system or a
9 [inaudible], not necessarily power outages, for
10 example, any kind of emergency that involves the
11 electric system, the response time to that --

12 I can repeat the question --

13 A. Yeah, that would be great. Thank you.

14 Q. If there were, for example, a public
15 safety metric for the speed of response to
16 emergencies, which is what I was describing now,
17 wouldn't that be [inaudible]?

18 A. So there's -- yeah. So there's various
19 factors in our responses to different emergency
20 circumstances. So obviously, you know, we have our
21 contact center that receives the calls from
22 customers; we have our dispatch center, which
23 dispatches crews.

24 So I would agree, I think we want to
25 respond to customers quickly. But I would be -- I

1 would have a tough time without a definition of
2 what the response would mean or what the parameters
3 of that performance indicator are to indicate
4 whether it would be a value or not.

5 MR. SEILHAMER: Thank you very much.

6 MS. ARROYO: Thank you.

7 MS. MERCADO: Can we have one minute
8 for a break?

9 MR. SEILHAMER: One minute? Sure.
10 Two minutes.

11 [Whereupon, a recess transpired from 5:36
12 p.m. until 5:42 p.m.]

13 MR. SEILHAMER: Attorney Mercado,
14 are you ready?

15 MS. MERCADO: Sí.

16 MR. SEILHAMER: Let's go.

17 EXAMINATION

18 BY MS. MERCADO:

19 Q. Okay. Attorney Mercado for LUMA.

20 I will begin with Irizarry's -- I think
21 he was the first.

22 EXAMINATION OF DR. AGUSTIN ALEXI IRIZARRY-RIVERA

23 BY MS. MERCADO:

24 Q. (In Spanish.)

25 MS. ARROYO: (In Spanish.)

1 MS. MERCADO: (In Spanish.)

2 BY MS. MERCADO:

3 Q. (In Spanish.)

4 A. (In Spanish.)

5 Q. (In Spanish.)

6 A. (In Spanish.)

7 Q. (In Spanish.)

8 A. (In Spanish.)

9 Q. (In Spanish.)

10 A. (In Spanish.)

11 Q. (In Spanish.)

12 A. (In Spanish.)

13 Q. (In Spanish.)

14 A. (In Spanish.)

15 Q. (In Spanish.)

16 A. (In Spanish.)

17 Q. (In Spanish.)

18 A. (In Spanish.)

19 Q. (In Spanish.)

20 A. (In Spanish.)

21 Q. (In Spanish.)

22 A. (In Spanish.)

23 Q. (In Spanish.)

24 A. (In Spanish.)

25 Q. (In Spanish.)

1 A. (In Spanish.)
2 **Q. (In Spanish.)**
3 A. (In Spanish.)
4 **Q. (In Spanish.)**
5 A. (In Spanish.)
6 **Q. (In Spanish.)**
7 A. (In Spanish.)
8 **Q. (In Spanish.)**
9 A. (In Spanish.)
10 **Q. (In Spanish.)**
11 A. (In Spanish.)
12 **Q. (In Spanish.)**
13 A. (In Spanish.)
14 **Q. (In Spanish.)**
15 A. (In Spanish.)
16 **Q. (In Spanish.)**
17 A. (In Spanish.)
18 **Q. (In Spanish.)**
19 A. (In Spanish.)
20 **Q. (In Spanish.)**
21 A. (In Spanish.)
22 **Q. (In Spanish.)**
23 A. (In Spanish.)
24 **Q. (In Spanish.)**
25 A. (In Spanish.)

1 Q. (In Spanish.)

2 A. (In Spanish.)

3 Q. (In Spanish.)

4 A. (In Spanish.)

5 Q. (In Spanish.)

6 A. (In Spanish.)

7 Q. (In Spanish.)

8 A. (In Spanish.)

9 Q. (In Spanish.)

10 A. (In Spanish.)

11 MS. ARROYO: (In Spanish.)

12 MS. MERCADO: (In Spanish.)

13 THE WITNESS: (In Spanish.)

14 BY MS. MERCADO:

15 Q. (In Spanish.)

16 MS. ARROYO: (In Spanish.)

17 BY MS. MERCADO:

18 Q. (In Spanish.)

19 A. (In Spanish.)

20 Q. (In Spanish.)

21 A. (In Spanish.)

22 Q. (In Spanish.)

23 A. (In Spanish.)

24 Q. (In Spanish.)

25 A. (In Spanish.)

1 Q. (In Spanish.)

2 A. (In Spanish.)

3 Q. (In Spanish.)

4 A. (In Spanish.)

5 Q. (In Spanish.)

6 A. (In Spanish.)

7 Q. (In Spanish.)

8 A. (In Spanish.)

9 Q. (In Spanish.)

10 A. (In Spanish.)

11 MR. MURTHY: Your Honor, the witness
12 isn't asking to look only to look at [inaudible.]

13 He said that over and over.

14 MR. SEILHAMER: I'm going to allow
15 it because he's already answered the question. So
16 he can answer it again.

17 So go ahead.

18 MS. MERCADO: (In Spanish.)

19 THE WITNESS: (In Spanish.)

20 BY MS. MERCADO:

21 Q. (In Spanish.)

22 A. (In Spanish.)

23 Q. (In Spanish.)

24 A. (In Spanish.)

25 Q. (In Spanish.)

1 A. (In Spanish.)

2 **Q. (In Spanish.)**

3 A. (In Spanish.)

4 MR. MURTHY: Your Honor, I ask that
5 counsel stop interrupting my witness.

6 MR. SEILHAMER: It's her time to ask
7 questions and we are going to allow her to -- we
8 are going to give her some discretion to ask those
9 questions.

10 MR. MURTHY: Thank you.

11 BY MS. MERCADO:

12 **Q. (In Spanish.)**

13 A. (In Spanish.)

14 **Q. (In Spanish.)**

15 A. (In Spanish.)

16 **Q. (In Spanish.)**

17 A. (In Spanish.)

18 **Q. (In Spanish.)**

19 A. (In Spanish.)

20 **Q. (In Spanish.)**

21 A. (In Spanish.)

22 **Q. (In Spanish.)**

23 A. (In Spanish.)

24 MR. SEILHAMER: If you don't
25 remember --

1 BY MS. MERCADO:

2 Q. (In Spanish.)

3 MR. SEILHAMER: If you don't recall
4 or if you don't remember, just say "I don't
5 remember," and that's the answer.

6 THE WITNESS: (In Spanish.)

7 BY MS. MERCADO:

8 Q. (In Spanish.)

9 A. (In Spanish.)

10 MR. MURTHY: I object to that
11 question. The witness didn't testify about an
12 energy management system.

13 MR. SEILHAMER: He has talked
14 extensively regarding that matter so we are going
15 to allow that question.

16 THE WITNESS: (In Spanish.)

17 MR. SEILHAMER: And, Counselor, by
18 the same token, once you ask the question, you need
19 to let him answer.

20 THE WITNESS: (In Spanish.)

21 BY MS. MERCADO:

22 Q. (In Spanish.)

23 A. (In Spanish.)

24 Q. (In Spanish.)

25 A. (In Spanish.)

1 Q. (In Spanish.)

2 A. (In Spanish.)

3 Q. (In Spanish.)

4 A. (In Spanish.)

5 Q. (In Spanish.)

6 A. (In Spanish.)

7 Q. (In Spanish.)

8 A. (In Spanish.)

9 MR. MURTHY: The translator can't
10 hear the comments from counsel so --

11 MR. SEILHAMER: Slow it down so she
12 can get the translation.

13 MS. MERCADO: So the translation --
14 I missed it.

15 MR. SEILHAMER: We're asking a
16 ten-second delay --

17 MS. MERCADO: There is a little
18 delay.

19 MR. SEILHAMER: -- a couple seconds
20 so she can hear the entire question.

21 MS. MERCADO: Okay. For counsel.

22 MR. SEILHAMER: Yes.

23 MS. MERCADO: Okay.

24 BY MS. MERCADO:

25 Q. (In Spanish.)

1 A. (In Spanish.)

2 Q. (In Spanish.)

3 A. (In Spanish.)

4 Q. (In Spanish.)

5 MR. SEILHAMER: Once asked and
6 there's a reasonable time, just answer the
7 question.

8 Please answer the question.

9 THE WITNESS: (In Spanish.)

10 BY MS. MERCADO:

11 Q. (In Spanish.)

12 A. (In Spanish.)

13 Q. (In Spanish.)

14 A. (In Spanish.)

15 Q. (In Spanish.)

16 A. (In Spanish.)

17 Q. (In Spanish.)

18 MR. SEILHAMER: Go ahead with --

19 THE WITNESS: (In Spanish.)

20 BY MS. MERCADO:

21 Q. (In Spanish.)

22 A. (In Spanish.)

23 Q. (In Spanish.)

24 A. (In Spanish.)

25 Q. (In Spanish.)

1 A. (In Spanish.)

2 **Q. (In Spanish.)**

3 A. (In Spanish.)

4 **Q. (In Spanish.)**

5 A. (In Spanish.)

6 **Q. (In Spanish.)**

7 A. (In Spanish.)

8 **Q. (In Spanish.)**

9 A. (In Spanish.)

10 **Q. (In Spanish.)**

11 A. (In Spanish.)

12 **Q. (In Spanish.)**

13 A. (In Spanish.)

14 **Q. (In Spanish.)**

15 MR. SEILHAMER: Just answer yes or
16 no. It's a yes-or-no question.

17 THE WITNESS: (In Spanish.)

18 BY MS. MERCADO:

19 **Q. (In Spanish.)**

20 A. (In Spanish.)

21 **Q. (In Spanish.)**

22 A. (In Spanish.)

23 MR. SEILHAMER: Counselor, you have
24 less than ten minutes to go. I know you want more
25 time, so do the other folks.

1 MS. MERCADO: (In Spanish.)

2 MR. SEILHAMER: But I'm just letting
3 you know the timetable. So that's it.

4 MR. MURTHY: The translators are
5 saying that they can't hear you.

6 MS. MERCADO: Maybe it's a technical
7 issue. I have a microphone here.

8 Better now?

9 THE INTERPRETER: Sí.

10 BY MS. MERCADO:

11 Q. (In Spanish.)

12 A. (In Spanish.)

13 Q. (In Spanish.)

14 A. (In Spanish.)

15 Q. (In Spanish.)

16 A. (In Spanish.)

17 Q. (In Spanish.)

18 A. (In Spanish.)

19 MR. MURTHY: Objection, Your Honor.
20 What's the question?

21 MR. SEILHAMER: Sustained. It's
22 compound. It's argumentative. Everything in the
23 book. Sustained.

24 You can continue, Counselor.

25

1 BY MS. MERCADO:

2 Q. (In Spanish.)

3 A. (In Spanish.)

4 Q. (In Spanish.)

5 A. (In Spanish.)

6 Q. (In Spanish.)

7 A. (In Spanish.)

8 Q. (In Spanish.)

9 A. (In Spanish.)

10 MR. SEILHAMER: Go ahead.

11 THE WITNESS: (In Spanish.)

12 BY MS. MERCADO:

13 Q. (In Spanish.)

14 A. (In Spanish.)

15 Q. (In Spanish.)

16 A. (In Spanish.)

17 Q. (In Spanish.)

18 A. (In Spanish.)

19 Q. (In Spanish.)

20 A. (In Spanish.)

21 Q. (In Spanish.)

22 A. (In Spanish.)

23 Q. (In Spanish.)

24 A. (In Spanish.)

25 MR. SEILHAMER: That's not part of

1 the question, so it does pertain to the answer of
2 that question.

3 BY MS. MERCADO:

4 Q. (In Spanish.)

5 A. (In Spanish.)

6 Q. "Reflective resource plan."

7 A. (In Spanish.)

8 Q. (In Spanish.)

9 A. (In Spanish.)

10 Q. (In Spanish.)

11 A. (In Spanish.)

12 Q. (In Spanish.)

13 A. (In Spanish.)

14 Q. (In Spanish.)

15 A. (In Spanish.)

16 Q. (In Spanish.)

17 A. (In Spanish.)

18 Q. (In Spanish.)

19 A. (In Spanish.)

20 MR. SEILHAMER: Counselor, we need
21 to wrap it up.

22 MS. MERCADO: Okay.

23 MR. SEILHAMER: Counselor, when I
24 say "We need to wrap it up," I mean we need to wrap
25 it up. The same rule, and we went through this

1 yesterday.

2 MR. MURTHY: (In Spanish.)

3 MR. SEILHAMER: Everyone here had
4 several witnesses and we went exactly to this
5 destiny, exactly the same scenario.

6 And I'm giving you two extra minutes
7 to ask questions. That's the ruling.

8 MS. MERCADO: (In Spanish.)

9 MR. SEILHAMER: It's denied.

10 OIPC asked for it.

11 LECO asked for it.

12 The good thing is everybody is going
13 to leave here being mad at me and so everybody is
14 at the same level.

15 MS. MERCADO: (In Spanish.)

16 MR. SEILHAMER: I met with every
17 attorney at the beginning of today's hearing. And
18 I was very specific regarding time management. And
19 I told attorney that you're going to have
20 30 minutes so you should organize yourself to ask
21 questions within that time frame.

22 MS. MERCADO: (In Spanish.)

23 MR. SEILHAMER: I am sorry --

24 MS. MERCADO: (In Spanish.)

25 MR. SEILHAMER: It is denied. I'm

1 sorry. I deny it to every single party. I'm not
2 going to make an exception.

3 MS. MERCADO: (In Spanish.)

4 MR. SEILHAMER: You have, and
5 it's --

6 MS. MERCADO: (In Spanish.)

7 MR. SEILHAMER: Noted.

8 MS. MERCADO: (In Spanish.)

9 MR. SEILHAMER: Noted. It is noted.

10 CHAIRMAN AVILES: Mr. Irizarri,
11 buenos tarde.

12 THE WITNESS: Buenos tarde.

13 EXAMINATION BY CHAIRMAN

14 BY CHAIRMAN AVILES:

15 **Q. (In Spanish.)**

16 A. Buenos tarde.

17 **Q. (In Spanish.)**

18 A. (In Spanish.)

19 **Q. (In Spanish.)**

20 A. (In Spanish.)

21 **Q. (In Spanish.)**

22 A. (In Spanish.)

23 **Q. (In Spanish.)**

24 A. (In Spanish.)

25 CHAIRMAN AVILES: (In Spanish.)

1 MR. SEILHAMER: The rule was as long
2 as the panel was here, the commissioners could ask
3 questions.

4 EXAMINATION OF DON CORTEZ

5 THE WITNESS: No, I do not.

6 BY CHAIRMAN AVILES:

7 Q. [In Spanish.]

8 A. We don't have an identified process to
9 adopt standards, no.

10 Q. (In Spanish.)

11 A. Are you referring to --

12 Q. (In Spanish.)

13 A. We have referred to it in many cases. I
14 don't know that we have an official process to
15 adopt standards at this time.

16 CHAIRMAN AVILES: Okay. That's it.

17 COMMISSIONER MATEO: For the record,
18 I have a question for Ms. Watkins.

19 EXAMINATION OF MS. WATKINS

20 BY COMMISSIONER MATEO:

21 Q. When you were testifying about the
22 vegetation management metric, you talked about the
23 metric being based on miles of right-of-way, cleared
24 as part of the vegetation management program.

25 How will LUMA document and demonstrate

1 the implementation of that work and specify that
2 how many times you went through that same area if
3 that happened?

4 So the metric can be properly evaluated
5 for the people that are not completely familiar
6 with the process. Once we establish the metrics,
7 there is going to be a report every year in which
8 LUMA has to show the Bureau whether it complied or
9 not, and that's why I'm asking about that.

10 How are you going to document that so
11 that it is shown accurately and clearly the work
12 that has been done and that it wasn't duplicated?

13 And just to use an example, if you tell
14 me: We covered 800 miles, how many times?

15 Because you can use the budget, but you
16 have to -- so you have to do the same 800 miles two
17 times that year or it was only one. That's my
18 question.

19 A. I understand. Thank you.

20 So, first of all, in terms of how we
21 document the work, as I mentioned previously, we
22 have a work plan. We assign projects out to the
23 crews, we have staff who are qualified to go out
24 and verify the work that any contract crews are
25 doing to ensure that it's up to our standards.

1 Any work that is not done appropriately
2 is flagged to be addressed and to we addressed.

3 Our personnel maintain maps of the
4 projects that are underway. They review progress,
5 record progress on maps, and then document progress
6 by mileage in a central report where we keep
7 information so we know the total of mileage of a
8 line, for example.

9 And that line is on a map. And as work
10 is completed, the sections of the line are marked
11 off and mileage is recorded until 100 percent of
12 the line is complete and 100 percent of that
13 mileage is recorded.

14 For your question about how would you
15 know that we're not just going over the same miles
16 over and over again, first of all, there are other
17 metrics that incentivize us not to do that, the
18 SAIDI and SAIFI metrics, for example, vegetation is
19 a significant cause of outages and if we don't
20 effectively use the funds we have? For vegetation
21 management, we won't be as effective at reducing
22 our SAIDI and SAIFI numbers.

23 I haven't done the analysis, but I
24 suspect we would have a hard time meeting those
25 targets without very effective vegetation

1 management.

2 So we do prioritize the vegetation
3 management work based on impact to SAIDI and SAIFI,
4 among other factors, and we record in the work
5 plans the work that was done based on the lines
6 that were completed.

7 Q. How are you going to supervise or monitor
8 the effectiveness of the clearing work that was
9 done? Will you be relying on vegetation management
10 is a challenge, it rains a lot.

11 So are you planning -- because I
12 understand the recording of the work completed, how
13 are you going to monitor -- because when I say that
14 you would have to go twice through the same area,
15 it was an honest question because if something
16 causes work again, you have to address it.

17 So how are you -- are you going to use
18 drones? Are you going to use any -- I don't know,
19 what mechanisms are you intending to use at least
20 now -- maybe you'll change them -- to make sure
21 that that line continues to be cleared and that the
22 work was being effective?

23 A. Understood. Right now we're not making
24 use of drones for that purpose, but we might do
25 that at some point in the future.

1 We are using visual inspections of the
2 lines. I think it was mentioned previously that
3 we'll use helicopters over our transmission lines,
4 we look for a variety of things, but vegetation
5 issues is among one of the items they look for when
6 they are flying over them.

7 We also work closely with the reliability
8 team to track the reliability performance of a line
9 after it is cleared so that we have data on how it
10 performs after we've cleared it.

11 COMMISSIONER MATEO: Thank you very
12 much.

13 MR. SEILHAMER: Before concluding
14 today's session, tomorrow we are going to start at
15 9:00 o'clock sharp. It is our goal to try to catch
16 up. We are one panel behind, so please, everyone,
17 be ready at 9:00 o'clock in the morning so we can,
18 you know, use the time to the best possible way.

19 MS. MERCADO: For clarity, on the
20 witnesses, they should be -- the first panel is
21 customer service. Could you clarify?

22 MR. SEILHAMER: Correct. The first
23 panel is going to be customer satisfaction and then
24 we are going to have finance.

25 So finance is probably going to be

1 in the afternoon and then customer satisfaction in
2 the morning.

3 MS. MERCADO: In the morning.

4 So customer and cover up to finance
5 tomorrow.

6 MR. SEILHAMER: Correct.

7 MS. MERCADO: Okay.

8 MR. SEILHAMER: Those are the two.
9 Hopefully, we can catch up. Because worst-case
10 scenario, we have some little finance for Friday
11 morning.

12 MS. MERCADO: Okay.

13 MR. SEILHAMER: And if there's
14 nothing else, we are going to conclude the hearing
15 for today.

16 Thank you, everyone, for your
17 attendance.

18 [Whereupon, the proceedings were
19 adjourned at 6:36 p.m.]

20

21

22

23

24

25

COURT REPORTER'S CERTIFICATE

City of San Juan)
) ss.:
Commonwealth of Puerto Rico)

I, DENNIS ZAMBATARO, Certified Court Reporter
in the United States, do hereby certify that the
foregoing is a true and correct transcript of the
proceedings had in the within entitled and numbered
cause on February 8, 2023; and I do further certify
that the foregoing transcript has been prepared
under my direction.



DENNIS ZAMBATARO, RPR and
N.M. and GA CSR

February 23, 2023

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In the Matter Of:

IN RE: Performance Metrics Targets for Luma Energy

February 08, 2023

8feb2023 Recording 1 - 1:44:01, 333 ln 20

¿Cómo entonces nosotros compaginamos esta información que usted está dando con todos los proyectos que LUMA ha sometido al Negociado para mejoras al sistema, que básicamente son los diez billones de dólares en fondos federales? Ya LUMA ha sometido 300 proyectos. Y yo presumo que, tal vez no LUMA, pero sus subcontratistas han ido al campo, han visto las condiciones de esos 300 proyectos que suman sobre diez billones de dólares -- eso es una cantidad sustancial -- en detalle.

Yo tengo que presumir que, si yo pongo eso sobre la mesa, eso es un porciento altísimo del detalle de la condición del sistema. Y eso lo trabaja usted. Y esa información usted la tiene que tener. Y yo lo que le estoy preguntando es, "Pues, mire, lo que hemos hecho al día de hoy, yo le puedo decir que ya LUMA o sus subcontratistas sabemos la condición del 90 por ciento del detalle del sistema". Pero ese número tienen que tenerlo, algo alrededor.

1 Porque es que yo quiero eliminar esas
2 expresiones continuas de que no sabemos
3 cómo está el sistema. El sistema está
4 malo. Claro que ya -- un año y pico
5 después tenemos que saber algo del sistema.
6 Yo no lo puedo creer sinceramente. O sea,
7 yo necesito ese número, como regulador.

8 1:50:09, 336 ln 23 hasta 336 ln 25 (sustituir)

9 COMMISSIONER MATEO: Licenciada, yo
10 puedo caracterizar la pregunta que yo estoy
11 haciendo de la forma que yo entienda.

12 MS. MERCADO: I --

13 COMMISSIONER MATEO: Si el testigo
14 dice que, para LUMA, ellos no se olvidan de
15 comunidades, el testigo tiene la
16 oportunidad de hacerlo. Por favor, no le
17 diga al testigo cómo testificar.

18 MS. MERCADO: I --

19 COMMISSIONER MATEO: Gracias.

20 1:51:00, 337 ln 12 hasta 337 ln 17 (sustituir)

21 Q. Mi pregunta va a, no es que usted se va a
22 olvidar intencionalmente de la comunidad, es que
23 se puede perder en el número una comunidad. Y,
24 mientras en otras áreas puede mejorar, esa
25 comunidad puede permanecer sin que haya mejoría.

1 Porque, si no tiene suficiente número de
2 residentes, de clientes, no afecta
3 significativamente el número "overall". ¿Eso es
4 correcto?

5 A. Yes. You can have a circuit that has an
6 indices -- indices that are worse than other
7 circuits. And your totality can be within the
8 targets. That is possible.

9 Q. ¿Entonces cuál sería la mejor forma de
10 ver una métrica para incentivos de manera que
11 eso no suceda en la estructura de métrica que
12 tenemos aquí objeto de este caso?

13 1:52:19, 338 ln 1

14 Q. Eso lo deja fuera de las métricas que
15 están proponiendo. Es básicamente lo que usted
16 me está diciendo. ¿Por el momento los dejaría
17 fuera?

18 1:52:36, 338 ln 6

19 Q. No. Yo sé que están allí. O sea, yo sé
20 que están allí. Y, de hecho, están allí por
21 eso. Porque, aunque en muchas utilidades se ve
22 el "overall", nosotros intencionalmente no
23 queremos que se quede olvidada o se quede en la
24 misma situación y no tenga mejoría un área.

25 Mi pregunta es cómo yo los incentivo a ustedes

1 a que todas las áreas tengan mejoría en igual
2 proporción y nadie quede atrás en los arreglos
3 que se le están haciendo al sistema y en las
4 mejorías si no las estoy viendo regional. ¿Cómo
5 yo voy a ver eso? ¿Qué yo puedo poner en las
6 métricas como condición o tener métricas
7 regionales de manera que ustedes sientan la
8 necesidad de tratar todos los "feeders" y todas
9 las comunidades por igual?

10 1:54:00, 338 ln 15

11 Q. O sea, que usted no me está proponiendo
12 ningún sistema en el que, de manera proporcional
13 o clara, se vea cuál es el comportamiento del
14 SAIFI en el sistema. Me lo está dejando en el
15 otro caso que tenemos, que es de monitoría, al
16 arbitrio de que el Negociado le imponga una
17 multa a LUMA por no acelerar la mejoría en todos
18 los sitios. ¿Eso es lo que usted me está
19 diciendo?

20 1:54:43, 338 ln 21

21 Q. ¿Y cuál sería el incentivo? Le pregunto
22 si es un "carrot" o el "stick". ¿Usted me está
23 proponiendo que le demos un palo o que le demos
24 una zanahoria? ¿Cuál de los dos usted me está
25 proponiendo que usemos? Porque este tema es

1 importantísimo. O sea, si algo que hay que
2 mejorar en Puerto Rico es el SAIDI y el SAIFI.
3 Y yo creo que todos estamos claros en eso.

4 ¿Cómo usted entiende que se debe atender?
5 Porque me dice, "No lo incluyo en las métricas.
6 En mi propuesta no están. Vamos a
7 monitorearlo". Ajá. No lo incluyó en las
8 métricas. Pasa --

9 CHAIRMAN AVILÉS: Está en las métricas
10 (inaudible).

11 BY COMMISSIONER MATEO:

12 Q. En las métricas para bonificaciones.
13 "Déjelo en las de monitorear". ¿Cuál sería el
14 mecanismo efectivo si se queda en las de
15 monitorear? ¿Que yo los multe? ¿Que los
16 multemos si no cumplen?

17 1:56:23, 339 ln 15 hasta 339 ln 18

18 Q. O sea, ¿que usted no me va a proponer
19 ningún sistema?

20 A. Not for -- I don't recommend it for the
21 incentive metrics at this time.

22 Q. ¿La contestación es no?

23 Es fácil. Es sí o no. No, ¿verdad?

24 Recording 2 -- 2:15:08, 418 ln 24

1 A. ¿La página 10, línea 14?

2 419 ln 3

3 A. ¿Página 10, línea 14 de mi testimonio?

4 419 ln 6 (Sustituir)

5 A. "But private investment..." ¿Ahí?

6 2:16:37, 419 ln 14

7 A. Sí. El que tengo frente a mí es el

8 sometido el 17 de noviembre de 2021.

9 2:17:10, 419 ln 18 hasta 419 ln 22 (sustituir)

10 THE WITNESS: Página 1014.

11 BY MR. GRIFFIN:

12 Q. Sorry -- okay. Yes --

13 A. As (unintelligible) discovery questions.

14 That one? Is it?

15 Q. Line 14. You state there: "Vegetation

16 management --

17 2:17:57, 420 ln 9 y 10 (sustituir)

18 A. Sí, señor. Las metas que lleven

19 recompensa deben ser metas que son difíciles de

20 alcanzar. Ese concepto aplica a manejo de la

21 vegetación y a cualquier otra métrica propuesta

22 en un plan de métricas de desempeño.

23 2:18:37, 420 ln 16

24 A. Puerto Rico tiene unas 1,100 líneas de

25 distribución eléctrica aproximadamente; son de

1 distinto largo. La cantidad total de millas
2 está en el orden de las 30,000 millas de líneas
3 eléctricas. La propuesta de LUMA es bien
4 tímida. Está basada en una restricción atada a
5 presupuesto. La realidad es que la consecuencia
6 de no podar la ve -- o controlar la vegetación,
7 el no limpiar la servidumbre, la vamos a pagar
8 los ciudadanos sea porque nos cobran a través
9 del programa de "pass through" los --

10 2:19:34, 420 ln 20

11 THE WITNESS: Estoy tratando de llegar
12 a explicar cuál es mi marco de referencia.

13 420 ln 22

14 THE WITNESS: Estoy diciendo que la
15 meta que propone LUMA es muy tímida porque
16 está -- se amarra a que tienen poco
17 presupuesto. Planteamiento es que los
18 ciudadanos en Puerto Rico vamos a pagar por
19 la falta de poda o vamos a pagar por la
20 poda. Porque la poda, la operación de
21 poda, es un "pass through", eso lo vamos a
22 pagar en los costos de operación de
23 sistema. Si no se poda una porción
24 significativa de esas 1,100 líneas
25 eléctricas de distribución, lo vamos a

1 pagar en falta de confiabilidad, en falta
2 de seguridad. Por lo tanto, me parece que
3 es artificial el asunto del costo.

4 Menciono también que no se puede dar
5 un incentivo basado en una cantidad de
6 millas de líneas que se podaron sin entrar
7 en dónde están ubicadas esas millas que sí
8 se podaron. Porque en Puerto Rico hay una
9 cantidad significativa de líneas de
10 distribución que están justo al lado de la
11 carretera en zonas urbanas donde hay muy
12 poca vegetación, hay muy poco que podar.
13 Entonces, si tú das mantenimiento a un
14 número de millas en el área metropolitana,
15 podrías alcanzar esa meta tímida, unos
16 cientos de millas, y ya recibir un bono
17 porque alcanzaste la meta fijada de cuánto
18 podé sin considerar para nada que las
19 líneas que son difíciles de podar y
20 difíciles de mantener son las líneas
21 urbanas -- perdón, las líneas rurales, las
22 del campo.

23 Por lo tanto, yo sugiero que el
24 Negociado le requiera a LUMA que clasifique
25 las líneas, que le entregue información al

1 Negociado para poder determinar cuáles son
2 las líneas que están en zonas que son de
3 fácil mantenimiento, fácil acceso, poca
4 actividad de poda, y que esas líneas no
5 participen del programa de incentivo porque
6 eso es fácil. Hay un bloque importante de
7 otras líneas que también deberían estar
8 excluidas porque LUMA cobra por operar un
9 sistema eléctrico, y una parte fundamental
10 de la operación del sistema eléctrico es
11 precisamente manejar la vegetación. Eso es
12 estándar en la industria. Si se va a
13 establecer un programa de incentivos, debe
14 ser por millas de líneas podadas en las
15 líneas que son difíciles de mantener. Ese
16 es el concepto que yo traigo y que presento
17 al Negociado.

18 2:23:08, 421 ln 5

19 A. Bueno, yo he escuchado durante la vista
20 un asunto de como si LUMA, después de año y
21 medio de estar operando el sistema, no supiera
22 dónde las cosas están o no supiera cuál es la
23 naturaleza del sistema. En Puerto Rico hay como
24 400 subestaciones. Hay como -- hay 1,100 líneas
25 de distribución. Hay 12 subestaciones de

1 transmisión de 230,000 voltios. Hay 17 líneas
2 de 230,000 voltios. La cantidad de líneas, de
3 subestaciones, dónde están esas líneas, todos
4 sabemos dónde están esas líneas.

5 Entonces a mí me resulta inverosímil pensar
6 que no se puede establecer un directorio que
7 identifique claramente cuáles son los activos
8 que hay que inspeccionar, custodiar, mejorar,
9 las servidumbres que hay que manejarles la
10 vegetación. O sea, es imposible pensar que una
11 empresa eléctrica pueda manejar correctamente la
12 empresa eléctrica si no tiene ese inventario, si
13 no sabe dónde están las cosas. Y, por lo tanto,
14 debe ser capaz también de, una vez tienes ese
15 inventario, de identificar, "Mira, esto que está
16 aquí, estas porciones de las líneas, estas
17 líneas en particular no requieren mucha poda".

18 El Negociado puede establecer eso como -- no
19 sé si un "docket" aparte o parte de este, un
20 requisito de esa información para entonces
21 establecer claramente qué es lo que es difícil y
22 qué es lo que es fácil y qué es lo que está en
23 la banda donde no penalizo y tampoco le doy
24 recompensa. Porque, de la forma en que están
25 planteadas las métricas -- las métricas que

1 propone LUMA son todas fáciles. Cuando uno lo
2 examina en detenimiento, las métricas, algunas
3 no cumplen ni siquiera con lo más básico y otras
4 son bien fáciles de alcanzar, particular -- y en
5 esta en particular, hay una manera sencilla de
6 alcanzar la métrica, que es ocupándome de las
7 fáciles porque no hay distinción, no hay
8 distinción entre lo que es difícil y lo que es
9 fácil. Y es bien importante que el Negociado
10 esté alerta a eso y, en efecto, monitoree y pida
11 información suficiente para establecer si lo que
12 yo estoy podando y dando mantenimiento en efecto
13 son los lugares que son difíciles de alcanzar.

14 2:26:07, 421 ln 17

15 A. Buenas tardes.

16 2:27:07, 422 ln 2

17 A. ¿Desea que lo lea?

18 422 ln 4 (Sustituir)

19 A. Sí. Lo tengo frente a mí.

20 2:27:25, 422 ln 8

21 A. Mi recomendación al Negociado con
22 relación a las métricas atadas a la seguridad
23 laboral, que son las que tienen que ver con
24 métricas de OSHA, es que solamente se utilicen
25 para establecer penalidades y que no se utilicen

1 para establecer bonificaciones. Los esquemas de
2 métricas de desempeño proveen para hacer
3 cualquiera de las dos cosas. Uno puede tener
4 una métrica de desempeño que tiene un mínimo y,
5 si no alcanzas el mínimo, tienes penalidad. Si
6 alcanzas una meta difícil de alcanzar, entonces
7 tienes bono. O puedes tener una métrica que
8 solamente tenga bono cuando alcanza lo que es
9 difícil de alcanzar, pero no le das penalidad.
10 O puedes tener una métrica que solo tenga
11 penalidad. O sea, el concepto está abierto para
12 aplicarlo como la comisión entienda correcta,
13 como el Negociado entienda correcto.

14 En mi opinión, las métricas de seguridad
15 laboral, las que establece OSHA, deben
16 utilizarse solamente para imponer penalidades.
17 Tener un ambiente de trabajo seguro es un
18 requisito indispensable para cualquier empresa.
19 OSHA lo que establece son mínimos. Yo creo que
20 es importante recalcar eso. OSHA establece los
21 umbrales mínimos. OSHA dice, "Tú tienes que
22 cumplir con esto, si no, entro y te inspecciono.
23 Incluso, te puedo multar", porque establece
24 mínimos.

25 Entonces aquí se está hablando de, en un

1 período de, he escuchado 15 años en la duración
2 del contrato, tratar de llegar a las métricas
3 que OSHA normalmente genera. O incluso hay unos
4 indicadores de estas métricas que lo presenta en
5 forma voluntaria la industria eléctrica, y hay
6 unos valores que son lo usual, por decirlo así,
7 en la industria. Y LUMA lo que dice es, "Bueno,
8 yo voy a llegar allá eventualmente". Pero aun
9 cuando no llega, pues, pide bono, pide un bono.
10 Y a mí me parece que eso contradice el concepto
11 mismo de una métrica de desempeño. Y que a LUMA
12 se le contrata con el objetivo de que el sistema
13 eléctrico se opere bien, que sea moderno,
14 eficiente, etcétera, etcétera.

15 Así que es simplemente esperado que LUMA
16 dentro de sus labores habituales, cumpla con los
17 requisitos de OSHA y que el sistema -- y el
18 trabajo, el ambiente de trabajo que se crea sea
19 un ambiente de trabajo que permita alcanzar
20 estas metas mínimas que establece OSHA. Yo he
21 escuchado cosas, por ejemplo, que el sistema
22 eléctrico está dañado --

23 2:31:10, 422 ln 22

24 A. Bueno, el Negociado de Energía ya
25 identificó una serie de lugares que son

1 similares de alguna forma, pues, no hay lugares
2 idénticos, ¿verdad?, pero son similares de
3 alguna forma a Puerto Rico: Florida, Hawaii,
4 algunas zonas de las Carolinas. No recuerdo las
5 otras. Pero hay ya unas guías establecidas por
6 el Negociado de Energía.

7 Este asunto de las métricas de OSHA -- es
8 importante entender. Esto está basado en
9 procesos de seguridad de la empresa. O sea, tú
10 tienes un personal que lo tienes que tener
11 entrenado --

12 MS. MERCADO: I also object --

13 THE WITNESS: -- tienes que darle
14 el -- estoy tratando de explicar la --
15 2:32:12, 423 ln 9

16 THE WITNESS: Las métricas de OSHA --
17 la relevancia de compararnos con otras
18 jurisdicciones, que es a lo que estoy
19 tratando de llegar, las jurisdicciones que
20 ya el Negociado estableció que son
21 comparables a Puerto Rico de una forma o de
22 otra, me parece que es relevante a las
23 métricas de OSHA. Porque las métricas de
24 OSHA lo que miden es el ambiente de trabajo
25 seguro. Entonces, si yo me acerco -- si yo

1 soy celador de líneas y yo me acerco a
2 darle mantenimiento a una línea, lo que
3 mide el ambiente trabajo seguro va a ser el
4 equipo que tengo, el entrenamiento que
5 tengo, los protocolos de seguridad que uso.
6 Y eso es independiente de si la línea es
7 nueva o la línea es vieja.

8 Yo le voy a dar un mantenimiento a un
9 transformador de 13,200 voltios a 240
10 voltios, sea viejo o sea nuevo, usando un
11 protocolo de seguridad -- que es el mismo
12 porque lo que establece el protocolo de
13 seguridad es la exposición al voltaje y la
14 corriente que tiene ese equipo. Sea viejo
15 o sea nuevo es irrelevante. Entonces las
16 métricas de OSHA realmente son métricas de
17 ese ambiente de trabajo seguro.

18 LUMA puede hacer avances
19 significativos en las métricas de OSHA, aun
20 cuando el sistema -- aun cuando el dinero
21 de FEMA no ha llegado para invertirlo en el
22 sistema. Por eso es que es relevante
23 compararnos con otras jurisdicciones que
24 tienen sistemas y condiciones climáticas y
25 de vegetación más o menos similares. Y por

1 eso es que hago esa recomendación.

2 2:35:19, 424 ln 10

3 Ing. Gerardo Cosme. Ingeniero licenciado y
4 colegiado. Soy consultor de la Oficina
5 Independiente de Protección al Consumidor.

6 2:36:46, 424 ln 25

7 A. ¿Me puede mencionar otra vez las líneas
8 para estar seguro?

9 2:37:10, 425 ln 5 y 6 (sustituir) ln 7 debe
10 llevar Q.

11 A. Okay. Sí. Esto es más bien en la parte
12 de generación, "utility scale", es que me
13 refiero. Me refiero a la parte de generación
14 "utilities scale" en renovable.

15 Q. Right.

16 A. Sí, ¿la pregunta es?

17 2:37:55, 425 ln 11

18 A. Okay. Aquí lo que estoy proponiendo es
19 las métricas que actualmente están definidas por
20 el Negociado de Energía en una resolución y
21 orden anterior, entiendo del 2019, en relación a
22 unas métricas que se llevan a cabo para la
23 Autoridad de Energía Eléctrica. La idea aquí,
24 lo que presento es más bien incluirlas para que
25 se tomen en consideración o que -- por qué no se

1 tomaron en consideración; es lo que yo traigo
2 aquí.

3 2:38:58, 425 ln 17

4 A. No. No es mi propuesta actualmente
5 porque hubo un "rebuttal" que contestó esto, un
6 testimonio "rebuttal", y entiendo que ya está
7 contestado. Más bien mi propósito era
8 precisamente exponer el por qué no se
9 consideraron estas métricas que estoy exponiendo
10 en el testimonio.

11 2:40:49, 426 ln 17

12 A. Se relaciona exclusivamente para procesos
13 expeditos, que significa proyecto de 25
14 kilovatios o menos.

15 Entonces, si me permite contestarte la primera
16 pregunta, que es en qué se basa -- qué es lo que
17 estoy proponiendo aquí con esta métrica y el por
18 qué. Lo que ocurre es que esta métrica es como
19 la culminación o una continuación de lo que
20 sería la primera métrica, que es lo de -- el
21 tiempo promedio en lograr medición neta. Lo que
22 ocurre aquí es que hay que poner en contexto una
23 cosa: los proyectos expeditos de 25 kilovatios o
24 menos, la medición neta se antepone, se pone
25 primero o se hace disponible al cliente antes de

1 que el proyecto haya culminado todo el proceso
2 de evaluación para considerarse un proyecto
3 completado.

4 Un proyecto completado es un proyecto que no
5 requiere ningún estudio adicional, ninguna
6 evaluación adicional y que, por ende, ya esa
7 medición neta que se le dio previamente se puede
8 considerar de forma permanente mientras la
9 persona tenga el contrato de interconexión o
10 tenga cuenta de LUMA en este caso. En los
11 proyectos regulares, mayores de 25 kilovatios,
12 primero se hace una evaluación del caso. Luego
13 de esa evaluación, se otorga -- más bien se le
14 avisa al cliente de que tiene espacio en la red
15 eléctrica para poder -- para proceder con su
16 proyecto. Y una vez culmina todo el proceso de
17 evaluación y firman los acuerdos, la persona
18 entonces recibe medición neta.

19 Esa es la gran diferencia aquí entre lo que es
20 proyectos regulares y expeditos. Y por eso es
21 que mi propuesta va a proyectos expeditos porque
22 precisamente los proyectos expeditos son los que
23 tienen esta situación de que se aprueba la
24 medición neta primero y la evaluación viene
25 luego.

1 2:43:44, 426 ln 24

2 A. La propuesta de -- por parte de LUMA lo
3 que busca es cumplir con el proceso expedito
4 para otorgar la medición neta. La diferencia en
5 la mía es que incluye el proceso necesario para
6 poder completar el proyecto en su totalidad para
7 que no sea una medición neta sujeta a cosas que
8 puedan suceder en el futuro, sino de que ya ese
9 cliente pueda tener medición neta de una forma
10 permanente otorgada. Que ese proyecto no quede
11 abierto en récord, sino que se complete.

12 El detalle es que la Ley 17-2019 establece que
13 todos los proyectos regulares tienen 90 días
14 para completarse. Y estos proyectos regulares,
15 como indiqué, cuando se completan es que ya se
16 pasó evaluación sobre ellos, se firmaron los
17 acuerdos, y entonces reciben la medición neta.
18 En estos proyectos expeditos, mientras tanto, tú
19 recibes la medición neta y, en un tiempo
20 indefinido, no está determinado claramente
21 cuándo es que vas a -- ese proyecto se completa
22 y, de lo último que se presentó en el "docket"
23 de interconexión, está muy por encima de los 90
24 días, los proyectos expeditos, por mucho más de
25 90 días.

1 2:45:46, 427 ln 5 a la ln 9

2 Q. Cosme, ¿de qué porciento estamos
3 hablando? (Inaudible.)

4 A. Sí. De memoria no me puedo acordar de
5 tanto detalle, pero no sé si fue el último --
6 no. No es para este -- sí, este "quarter". El
7 "quarter" anterior, en el reporte de ellos, de
8 los 10,000 casos que estaban, aproximadamente
9 creo que eran 6,000, entiendo yo estaban en --
10 no estaban completados. Si esos son los
11 números. No me acuerdo ahora. Así de memoria,
12 no sabría.

13 Q. ¿Y el promedio de días en que se cierran?

14 A. Eso no --

15 Q. Que se completan.

16 A. Que se completan. Eso se preguntó en la
17 vista. No recuerdo el tiempo que se
18 completaban, pero creo que eran -- no, no podría
19 decir. Yo estoy bajo juramento, no te puedo
20 mentir sobre eso. Pero sí sé de forma cierta y
21 certera de proyectos expeditos que llevan sobre
22 un año esperando a que el proyecto sea
23 completado. Eso sí te lo puedo afirmar.

24 COMMISSIONER UGARTE: (Inaudible.)

25 2:47:48, 427 ln 13 a la ln 16 (sustituir)

1 COMMISSIONER UGARTE: El testimonio de
2 marzo 22 -- (audio se entrecorta) para
3 medir la utilización de la "data" -- o sea,
4 que el cliente tuviera acceso -- le
5 recomienda al Negociado que establezca unas
6 métricas para que el cliente tuviera acceso
7 a su información de eficiencia energética y
8 de respuesta a la demanda. Es en su
9 testimonio de marzo 22, la página 12.
10 Entonces yo le preguntaría que si usted
11 sabe de alguna otra jurisdicción donde está
12 establecido una métrica similar.

13 MR. IRIZARRY: ¿Puedo ver mi
14 testimonio para refrescar mi memoria? ¿Del
15 de marzo 22, el que tengo aquí?

16 COMMISSIONER UGARTE: Marzo 22 en la
17 página --

18 MR. IRIZARRY: El que tengo aquí es
19 del 17 de noviembre.

20 ¿Página 12, comisionada?

21 COMMISSIONER UGARTE: Sí.

22 MR. IRIZARRY: Sí. En mi testimonio,
23 yo hago recomendaciones al Negociado de que
24 se le provea a los clientes -- que LUMA le
25 provea a los -- haga esfuerzos para

1 proveerle a los clientes información
2 sobre -- la cantidad de clientes que pueden
3 acceder diaria o a sus datos en forma
4 diaria o por hora, dato por hora, y el
5 por ciento de clientes que tienen el acceso
6 a esa información de hora y subhora. Lo
7 que yo planteo es que, mientras más
8 información tiene disponible el cliente,
9 mejor informado está para tomar decisiones
10 y tener más control sobre la eficiencia
11 energética de -- sobre el uso y la energía.

12 COMMISSIONER UGARTE: Sí, pero mi
13 pregunta iba dirigida a si se sabe de
14 alguna jurisdicción donde se le provea --
15 que se haya establecido una métrica
16 parecida o similar.

17 MR. IRIZARRY: No.

18 COMMISSIONER UGARTE: Okay.

19 No tengo más preguntas. Gracias.

20 Recording 3 -- 0:19:18, 440 ln 5 (sustituir)

21 MR. VÁZQUEZ: Buenas tardes. El
22 licenciado Pedro Vázquez en representación
23 de la OIPC.

24 BY MR. VÁZQUEZ:

25 Q. Muy buenas tardes, Sr. Wood.

1 A. I'm sorry. I don't have an interpreter.
2 The interpreter you have hasn't been provided.
3 1:05:35, 468 ln 12 hasta 468 ln 14

4 Q. And the status, it says:
5 "Evaluación/Estudio"?

6 A. Yes.

7 Q. Do you know what "Evaluación/Estudio" is?
8 1:10:16, 472 ln 6

9 MR. SEILHAMER: We admitted that it
10 was the landing page for el Registro de
11 Sistema GD Capacidad 25 --
12 1:12:24, 474 ln 11 hasta 474 ln 16 (sustituir)
13 (Dennis identifica a Ms. Rivera como Hannia B.
14 Díaz en las comparecencias en vez de Rivera
15 Díaz)

16 MS. RIVERA: Permiso, Examinador. Me
17 gustaría hacer un comentario.

18 Yo creo que, en beneficio de los
19 procedimientos, las abogadas no deberían
20 estar objetando cada cinco minutos
21 cualquier planteamiento que uno -- o sea,
22 entiendo perfectamente que tienen derecho a
23 objetar, pero yo creo que eso es
24 contraproducente para los procesos. Los
25 procesos -- aquí no aplican las Reglas de

1 Evidencia. Los procesos deben llevarse de
2 la manera más flexible posible.

3 Así que ciertamente yo entiendo que
4 eso -- o sea, dilata los procesos e
5 interrumpe --

6 MR. SEILHAMER: (Inaudible.)

7 MS. RIVERA: Correcto.

8 Cuando tenemos tan corto tiempo
9 nosotros para hacer los
10 contrainterrogatorios correspondientes.

11 MR. SEILHAMER: And it's noted.

12 MS. MERCADO: Si me permite --

13 MS. ARROYO: Aquí la licenciada Laura
14 Arroyo. Yo me uno a la petición de la
15 licenciada Hannia. De verdad que ha sido
16 un proceso atropellado. E inclusive, la
17 licenciada Mercado ha interrumpido a
18 nuestro testigo mientras está haciendo su
19 testimonio. Así que, por favor, que se le
20 dé esa instrucción.

21 MR. SEILHAMER: Noted.

22 MS. MERCADO: Yo quisiera --

23 MR. SEILHAMER: Can we proceed with
24 the --

25 MS. MERCADO: Quisiera expresarme.

1 Por otro lado, entiendo que el orden
2 es que una -- un representante de parte
3 haría los planteamientos al Negociado. Y
4 creo que más de uno lo están haciendo.

5 Quisiera que entonces fuéramos al
6 récord porque se han hecho varias
7 imputaciones sobre mí a lo largo del día de
8 hoy. Yo estoy haciendo un trabajo en
9 representación de mi cliente haciendo
10 planteamientos de derecho. Y aquí no ha
11 habido una determinación de que no se
12 puedan hacer objeciones. Sí entiendo que
13 es un proceso bajo LLPAU (fonético) que,
14 aunque hay flexibilidad, hay oportunidad de
15 que la parte exprese cuando procesalmente
16 tiene un planteamiento acerca de --

17 1:57:12, 507 ln 24 hasta 511 ln 10 (sustituir)

18 Q. Ing. Irizarry, usted ha dado -- ¿perdón?
19 Ah, perdón. No tiene --

20 MS. MERCADO: Quizás para facilitar,
21 si se le puede entregar su testimonio, que
22 es el Exhibit 7, que vamos a hacer
23 referencia a lo largo de...

24 BY MS. MERCADO:

25 Q. Usted ha dado testimonio en este

1 procedimiento y por escrito y --

2 UNIDENTIFIED WOMAN: Disculpe, no se
3 escucha. Si puede hablar más en el
4 micrófono, por favor.

5 MS. MERCADO: No me escucha. Okay.
6 ¿Me escuchan ahora?

7 BY MS. MERCADO:

8 Q. Ha testificado en este pro --

9 MS. MERCADO: Como me tengo que
10 poner -- yo soy la única que me tengo que
11 poner de lado al testigo.

12 BY MS. MERCADO:

13 Q. Ha dado testimonio, ha comentado sobre
14 métricas de confiabilidad del sistema de
15 transmisión y distribución, o "reliability" en
16 inglés. ¿Eso es correcto?

17 A. (Inaudible.)

18 Q. ¿Ha dado testimonio sobre eso, sobre
19 confiabilidad del sistema?

20 A. Es correcto.

21 Q. Le pregunto si usted ha miembro del IEEE,
22 que también se ha comentado aquí, que es el
23 Instituto de Ingenieros Eléctricos y
24 Electrónicos de Energía, IEEE. ¿Conoce la
25 organización profesional?

1 A. La conozco.

2 Q. ¿Y conoce que esa organización desarrolla
3 estándares para la industria?

4 A. Sí. Yo soy miembro de la organización.

5 Q. Y esa organización trabaja en grupos,
6 tienen grupos de trabajo temáticos, si le
7 hablamos -- para hablarlo de una forma general.

8 A. Correcto.

9 Q. ¿Hay un grupo de trabajo que se dedica,
10 si conoce, a la confiabilidad del sistema de
11 distribución, a "reliability"? ¿Hay un grupo?

12 A. Hay más de uno.

13 Q. Hay al menos uno.

14 A. Hay al menos uno. Sí.

15 Q. Y hay uno de esos -- el grupo -- el IEEE
16 tiene un estándar que se ha mencionado en la
17 mañana de hoy que se conoce como el 1366. ¿Lo
18 conoce, ese estándar?

19 A. Sí.

20 Q. ¿Y conoce la revisión reciente de ese
21 estándar del 21 de septiembre de 2022? ¿La ha
22 revisado, la revisión del estándar IEEE 1366 de
23 septiembre de 2022?

24 A. No. No la he revisado.

25 Q. No la ha revisado.

1 ¿Escuchó testimonio esta mañana del Sr. Don
2 Cortez sobre ese estándar, sobre esa revisión?
3 ¿Lo recuerda?

4 A. Recuerdo que hizo mención de esa
5 revisión.

6 Q. Le pregunto, hablando de ese grupo de --
7 de esos grupos de "reliability" del IEEE, ¿usted
8 ha sido parte de alguno de esos grupos de
9 trabajo sobre confiabilidad del sistema?

10 A. He ido a presentar a conferencias sobre
11 ese tema.

12 Q. ¿Y ha sido parte de los grupos de trabajo
13 que desarrollan estándares sobre confiabilidad
14 del sistema?

15 A. He participado de algunas reuniones.

16 Q. Esa no fue mi pregunta.

17 Mi pregunta es si usted conforma, como una
18 persona nombrada, a un grupo de trabajo del IEEE
19 sobre confiabilidad del sistema.

20 A. No actualmente. No.

21 Q. ¿En algún momento ha sido nombrado a un
22 grupo de "reliability" que desarrolle estándares
23 para el IEEE?

24 A. Los miembros de esos grupos no se
25 nombran. La --

1 Q. (Inaudible.) ¿Cómo se accede a ser un
2 miembro de ese grupo?

3 A. La manera en que trabaja los grupos de
4 trabajo IEEE es que uno llega a las reuniones de
5 la IEEE, puede participar en cualquiera de las
6 reuniones. Pero solo se considera autor de un
7 trabajo aquellos que hayan participado en forma
8 consecutiva muchas veces. Tiene que -- no puede
9 faltar a una reunión o venir a la otra. Tienes
10 que ir todo el tiempo. Eso provoca que la mayor
11 parte de la gente que aparece en los documentos
12 como que están trabajando son los que tienen más
13 acceso a llegar a las reuniones.

14 Q. Y bajo esa definición, ¿ha sido usted uno
15 de esos miembros?

16 A. No porque yo --

17 Q. No le --

18 A. No porque yo no asisto a todas las
19 reuniones de IEEE.

20 Q. Y en la mañana de hoy, se ha estado
21 hablando de la métrica de confiabilidad del
22 sistema CAIDI.

23 MS. MERCADO: C-A-I-D-I para efectos
24 del récord.
25

1 BY MS. MERCADO:

2 Q. ¿Usted la conoce?

3 A. Conozco la métrica. Sí.

4 Q. ¿Y usted ha recomendado al Negociado de
5 Energía que esa métrica forme parte de las
6 métricas para medir a LUMA que estamos
7 discutiendo en este proceso?

8 A. Que se mantenga como métrica porque ya
9 era métrica desde el principio.

10 Q. Que usted ha recomendado que se incluya
11 entre las --

12 A. Que se mantenga como métrica. Yo
13 recomiendo que se mantenga como métrica.

14 Q. Y le pregunto, para su informe y
15 prepararse para el testimonio de hoy, ¿usted
16 revisó el -- me dijo ya que no revisó el
17 estándar revisado del IEEE 1366, ¿correcto?

18 A. No. Pero conozco la discusión que lleva
19 a ese estándar con relación al CAIDI.

20 Q. ¿Conoce que el IEEE, en ese estándar
21 1366, recoge una discusión sobre las
22 limitaciones de esa métrica de confiabilidad de
23 CAIDI? ¿Lo conoce?

24 A. Conozco la discusión. Y es una que se
25 enfoca --

1 Q. Mi pregunta es si la conoce.

2 A. Sí. La conozco. La conozco bien.

3 Q. ¿Y en qué medida usted implementó esa
4 discusión de limitaciones en su testimonio que
5 sugiere que esa métrica sea parte de las
6 métricas para medir a LUMA?

7 A. La consideré plenamente.

8 Q. ¿Estaría de acuerdo que esa métrica
9 tiene -- esas discusiones incluyen que la
10 métrica no proporciona necesariamente una
11 comparación significativa de la duración de la
12 interrupción que un cliente puede experimentar a
13 lo largo de un tiempo en comparación con --

14 A. Esa conclusión solo es cierta si la única
15 métrica que yo estoy examinando es CAIDI.

16 Q. ¿Y eso lo dice el estándar? (Inaudible.)

17 A. Esa es la discusión que lleva a esa
18 conclusión. Si uno usa las tres métricas que se
19 proponen como métricas de desempeño en
20 confiabilidad, que son el SAIDI, el SAIFI y el
21 CAIDI, las usas las tres, entiende las tres, ese
22 fenómeno matemático que es que como es la razón
23 de SAIDI -- es SAIDI dividido entre SAIFI. Eso
24 es lo que es CAIDI.

25 Argumentan los que reclaman que esa métrica es

1 redundante que no la necesitas porque tienes las
2 otras dos. Y los que reclaman de que la métrica
3 empuja en una dirección incorrecta, lo que
4 reclaman es que, si el numerador aumenta y el
5 denominador también, no ves los cambios. O si
6 los cambios, uno es positivo y uno es negativo,
7 el cambio va -- se cancela. Eso es un fenómeno
8 numérico. Cuando uno considera las tres
9 métricas, una junto a la otra, uno detecta esos
10 fenómenos y puede seguir utilizando
11 correctamente las tres métricas. Yo por lo --

12 Q. Y hablando solamente de CAIDI, ¿estaría
13 de acuerdo (inaudible) --

14 MS. MERCADO: (Inaudible) me permite
15 entregarle -- (inaudible) de orden, si nos
16 podemos acercar a entregarle el documento.
17 Sería la Identificación 52-1 de LUMA, el
18 estándar del IEEE 1366.

19 BY MS. MERCADO:

20 Q. Lo dirijo a la página 41 de ese
21 (inaudible) hacia el final del documento.

22 UNIDENTIFIED WOMAN: ¿Puede repetir el
23 número, por favor?

24 MS. MERCADO: Cincuenta y dos guión
25 cuarenta y dos.

1 UNIDENTIFIED WOMAN: Y un momento para
2 que encontremos el documento, por favor.

3 THE WITNESS: Tengo el documento a la
4 mano.

5 BY MS. MERCADO:

6 Q. Sí. Vamos a la Sección D.1.1. ¿Es
7 correcto que ahí se habla --

8 MR. SEILHAMER: (Inaudible.)

9 BY MS. MERCADO:

10 Q. Lo cierto es que ese es el estándar IEEE
11 1366-2022, ¿correcto? Arriba, en la parte de
12 arriba lo puede ver, IEEE STD 1366-2022.

13 A. Correcto.

14 Q. La Sección D.1.1, dígame si no es cierto
15 que ahí el título se llama "Limitaciones de
16 CAIDI".

17 A. Ese es el título.

18 Q. Y si ve ese primer párrafo, le pido que
19 lea la última oración de ese párrafo D.1.1 que
20 empiece: "Reliability improvement actions". Se
21 puede --

22 A. ¿La última -- usted quiere que lea la
23 última oración del primer párrafo de esa
24 sección?

25 Dice: "Reliability improvement actions by the

1 system operator resulting in prevention of some
2 interruptions may actually increase calculated
3 CAIDI even though the overall customer
4 experience has improved".

5 Q. ¿Está de acuerdo usted con esa
6 aseveración del estándar del IEEE sobre las
7 limitaciones de CAIDI?

8 A. Repito nuevamente --

9 Q. (Inaudible.)

10 A. No, no. Yo quiero contestar la pregunta.
11 Y yo -- y esto es un asunto técnico.

12 Q. (Inaudible.)

13 A. Y yo quiero contestarlo con la
14 información técnica correcta. No es una
15 pregunta de sí o no. Lo lamento, licenciada.

16 Q. Pues, dígame.

17 A. Si yo solo miro CAIDI y no considero nada
18 más, lo que dice ese párrafo y esa oración es
19 completamente correcta. Pero eso es solo si
20 examino CAIDI en ausencia de las demás métricas.
21 Si yo examino las tres métricas, como estoy
22 recomendando, ese fenómeno, que aquí dicen que
23 quieren corregir, no ocurre. Por lo tanto, no
24 hay nada que corregir.

25 Q. Solo miramos CAIDI. Vamos ahora a --

1 A. Esa no es la propuesta mía. Yo no he
2 dicho que solo miremos CAIDI.

3 Q. (Inaudible.)

4 A. Mi propuesta que veamos SAIDI, SAIFI y
5 CAIDI.

6 Q. Y estamos de acuerdo, y yo entiendo que
7 (inaudible) pero quisiera que conteste, por
8 favor, una pregunta que yo le quisiera hacer.
9 Si solo miramos CAIDI, esa oración que usted
10 acaba de leer sobre limitaciones de CAIDI,
11 ¿estaría de acuerdo con el estándar? ¿Sí o no?

12 A. Si solo miro CAIDI --

13 2:08:28, 511 ln 18 hasta 512 ln 3 (sustituir)

14 MS. MERCADO: Es que yo creo que se --
15 me termine --

16 BY MS. MERCADO:

17 Q. ¿Me puede volver a contestar? Yo no lo
18 escuché (inaudible). Si está de acuerdo --

19 A. Si solo estoy hablando de CAIDI -- cuando
20 yo examino CAIDI y solo considero CAIDI y no
21 miro SAIDI ni SAIFI --

22 Q. (Inaudible) pregunta.

23 A. Pues, en ese caso, que es el caso que
24 discute este estándar, tengo que estar de
25 acuerdo con lo que dice el estándar. Pero no

1 estoy de acuerdo en que debemos eliminar la
2 métrica. La debemos mantener.

3 Q. Mi pregunta era sobre solo viendo CAIDI.
4 Moviéndonos a otro tema. En su
5 testimonio/opinión, Exhibit 7, recomendación --
6 conclusión número uno, perdón. Vamos a la
7 conclusión número uno. Ahí usted sugiere que,
8 en términos generales, se incluyan métricas
9 adicionales, ¿correcto?

10 A. Estoy en la página 7, recomendación uno.

11 Q. Recomendación uno. Está recomendando
12 métricas adicionales para transformar el sistema
13 de transmisión y distribución. ¿Cierto o falso?

14 A. Para llegar a las metas de moderno,
15 sostenible, confiable, eficiente y costo
16 efectivo y resiliente, que no se miden con las
17 métricas que propone LUMA, yo propongo métricas
18 adicionales.

19 Q. (Inaudible) que conteste mi pregunta.

20 Es --

21 2:10:03, 512 ln 12 hasta 513 ln 2 (sustituir)

22 Q. Con relación a métricas para la
23 transformación del sistema de transmisión y
24 distribución, yo quisiera que habláramos un
25 poco -- usted esta mañana escuchó al Sr. Cortez

1 que habló -- dio un ejemplo particular, el
2 Energy Management System. ¿Recuerda el ejemplo?
3 ¿Sabe lo que es el Energy --

4 A. Sí. Sé lo que es Energy Management
5 System.

6 Q. ¿Escuchó el testimonio del Sr. Don
7 Cortez?

8 A. Escuché que él indica que el sistema
9 Energy Management System que ahora mismo maneja
10 LUMA no sirve.

11 Q. No, le pregunto, ¿escuchó que necesita
12 un -- lo que él llamó en inglés -- "update" al
13 sistema -- a la de programación de Energy
14 Management --

15 A. No, fue mucho más lejos en lo que él
16 planteó.

17 Q. Pero conteste -- entre lo que dijo, habló
18 de que el sistema -- y una de las necesidades
19 que tiene es la programación, uno de
20 (inaudible). "Software", él habló que tiene que
21 haber un "software update" del EMS System.
22 ¿Cierto o falso?

23 A. ¿Puedo acudir a mis notas de lo que se
24 discutió esta mañana?

25 Q. Si no recuerda, me lo dice y ya está.

1 Seguimos en otro tema.

2 A. No es lo único que yo recuerdo. Recuerdo
3 más cosas.

4 Q. No (inaudible) es una de las varias cosas
5 que habló, mencionó al Negociado de Energía que
6 el EMS necesita, entre otras cosas (inaudible)
7 premisa, una actualización del "software",
8 ¿correcto?

9 2:11:38, 513 ln 6 hasta 513 ln 9

10 THE WITNESS: Muy bien.

11 No recuerdo.

12 BY MS. MERCADO:

13 Q. No lo recuerda.

14 ¿Estaría de acuerdo conmigo si (inaudible) el
15 Energy Management System necesita actualización
16 (inaudible) como base para la transformación?
17 Esa es la posición de LUMA expresada al
18 Negociado de Energía. ¿Usted estaría de acuerdo
19 que eso sería un componente de la transformación
20 del sistema de transmisión y distribución que
21 requiere, como ejemplo, inversión, dinero?

22 A. Yo estoy completamente de acuerdo --

23 2:12:23, 513 ln 16 (sustituir)

24 THE WITNESS: Todo sistema que usa
25 "software" requiere actua --

1 BY MS. MERCADO:

2 Q. (Inaudible.)

3 A. Estoy tratando de contestarle su
4 pregunta.

5 2:12:37, 513 ln 20 hasta 514 ln 8

6 MS. MERCADO: Adelante.

7 THE WITNESS: Yo estoy completamente
8 de acuerdo que todo sistema que está basado
9 en "software" necesita actualizaciones de
10 "software".

11 BY MS. MERCADO:

12 Q. Mi pregunta --

13 A. Todos los sistemas, el EMS incluido, pero
14 no es el único.

15 Q. Hablemos de ese.

16 ¿Eso requeriría, esa actualización, una
17 inversión de dinero?

18 A. Siempre es así. Los "softwares" hay que
19 actualizarlos todo el tiempo. No es una cosa
20 extraordinaria que haya que invertir en
21 actualizar el "software". Eso es rutinario en
22 una empresa que maneja un sistema eléctrico.

23 Q. ¿Pero es necesario --

24 A. Es rutinario.

25 Q. Vamos a ir a la Tabla 4 de su (inaudible)

1 siete.

2 A. ¿Qué página?

3 Q. La página 24.

4 A. Tabla 4, página 24.

5 Q. Sí. Correcto. En esa tabla usted da
6 ejemplos de métricas para un sistema
7 "sustainable energy system", ejemplos.

8 A. Sí.

9 Q. Y usted lo denomina.
10 Incluye entre las primeras dos el "energy
11 efficiency", ¿correcto?

12 A. Correcto.

13 Q. Al usted escoger esas dos métricas que le
14 sugiere al Negociado de Energía, ¿consideró
15 usted (inaudible) para un "transition" sobre
16 programas (inaudible)"?

17 A. Sí.

18 2:15:00, 514 ln 25 hasta 515 ln 4

19 Q. ¿Necesita que le repita la pregunta?

20 A. Sí, por favor.

21 Q. Para esas dos métricas, por ejemplo, que
22 usted está mencionando en la Tabla 4 de
23 eficiencia energética y respuesta a demanda, ¿en
24 qué medida usted consideró el plan de
25 transición, "transition period plan", que se ha

1 comentado en la mañana de hoy, en el día de hoy,
2 está ante la consideración del Negociado de
3 Energía para unos programas pilotos que se
4 podían implementar en el futuro? ¿Lo consideró
5 o no lo consideró, ese --

6 A. Estoy esperando que termine la
7 traducción.

8 Q. Bueno, yo le pido a usted --
9 2:15:46, 515 ln 8 hasta 516 ln 14 (sustituir)

10 MS. MERCADO: Yo entiendo que --

11 THE WITNESS: La traducción la
12 necesita los abogados que no hablan
13 español.

14 MS. MERCADO: Pero no entiendo. Yo --

15 MR. SEILHAMER: Please --

16 MS. MERCADO: Yo pediría que se me
17 deje hacer mis preguntas sin interrupción.

18 MR. SEILHAMER: Please answer the
19 question.

20 THE WITNESS: Sí los consideré,
21 licenciada.

22 BY MS. MERCADO:

23 Q. ¿Y cómo usted valoró -- ¿valoró el hecho
24 de que no existen en Puerto Rico -- según
25 escribió ese plan, verá que son programas

1 propuestos pilotos, o en el plan se le llama
2 "Quick Start Programs" que están sujetos a la
3 aprobación del Negociado, como testificó Lee
4 Wood en el día de hoy. ¿Cómo consideró eso?

5 A. En este proceso de métricas de desempeño,
6 LUMA propone que se le den bonos --

7 Q. Pero esa no es mi pregunta. Quizás no
8 está entiendo --

9 A. Sí, estoy entendiendo la pregunta. Se la
10 estoy tratando de contestar.

11 Q. (Inaudible.)

12 A. Usted me pregunta cómo yo -- si yo
13 consideré lo que está pasando en los otros
14 "dockets". La contestación ya se la di. Fue
15 sí.

16 Q. (Inaudible.)

17 A. En los otros "dockets", en los otros
18 procesos no se está adjudicando si hay un bono o
19 una penalidad por la implementación de esos
20 programas pilotos. Ese asunto de desempeño y de
21 adjudicar penalidades o adjudicar recompensas se
22 está atendiendo en este programa. Entonces es
23 relevante a este programa estas métricas.

24 Q. Mi pregunta es -- en particular es --
25 conoce que hay unos programas pilotos "quick

1 start" que el Negociado de Energía tiene ante su
2 consideración para aprobación. ¿Lo conoce? ¿Sí
3 o no?

4 A. Sí.

5 Q. Y eso quiere decir que conoce usted que
6 esos programas todavía, al día de hoy, 8 de
7 febrero de 2022 [sic], no existen implementados
8 en Puerto Rico. ¿Lo conoce? ¿Sí o no?

9 A. Los que están bajo consideración no están
10 implementados.

11 Q. Entonces, ¿cómo -- al usted proponerle
12 una métrica de eficiencia energética y de
13 respuesta de demanda al Negociado, ¿cómo
14 consideró el hecho de que esos programas todavía
15 no existen en Puerto Rico? ¿En qué medida lo
16 consideró?

17 A. Todos son propuestas.

18 Q. Reconoce --

19 A. La mayor parte de las cosas que se
20 proponen aquí, igual que lo que propone LUMA, no
21 se ha implementado. Todos son propuestas.

22 Q. Los programas --

23 A. Esos deficiencias -- lo que estoy
24 queriendo responder es que, tanto esos programas
25 que tienen "docket" como otros que no tienen

1 "docket", todos son propuestas.

2 Q. Y esa métrica de eficiencia energética
3 que usted propone, ¿está madura para
4 implementación hoy, tomando en cuenta que los
5 programas no se han implementado en Puerto Rico?

6 A. No tiene por qué estarlo.

7 Q. La pregunta es si está madura. ¿Sí o no?
8 (Inaudible), ¿sí o no?

9 A. Bueno, sí, en otros sitios se usa.

10 Q. En Puerto Rico, ¿está madura para que el
11 Negociado de Energía diga, "El Ing. Irizarry me
12 está proponiendo una métrica nueva y yo la
13 considero. Esos programas no existen en Puerto
14 Rico. Estamos -- es prudente, razonable y
15 correcto que hoy se implemente esta métrica"?
16 ¿Sí o no? ¿Esa es la recomendación que usted da
17 al Negociado?

18 A. El Negociado tiene la capacidad de
19 ordenar métricas. Y lo --

20 Q. Lo que estoy preguntando --

21 A. Y yo creo que -- bueno, la --

22 Q. (Inaudible.) Si usted no quiere
23 contestar --

24 MR. SEILHAMER: Witness Irizarry --

25 MS. MERCADO: -- pues, no conteste.

1 2:19:04, 516 ln 17 hasta 516 ln 22

2 THE WITNESS: Sí, si el Negociado
3 desea implementarlo.

4 BY MS. MERCADO:

5 Q. ¿Cuál es su recomendación? ¿Usted
6 entiende que está maduro hoy para que el
7 Negociado hoy emita una orden y diga, dentro de
8 sus facultades, esto está maduro para --

9 A. Eso es a discreción del Negociado.

10 Q. Quisiera llamarle la atención a la Tabla
11 9 que está en la página 37 de su testimonio.

12 MR. MURTHY: In the meantime, the
13 translator is saying --

14 2:19:43, 517 ln 1

15 MS. MERCADO: Bueno, ha sido -- ha
16 habido interrupciones igual y horita
17 estaban pidiendo 30 segundos de una
18 argumentación mía. Así que --

19 2:19:54, 517 ln 4 hasta 517 ln 7 (sustituir)

20 MS. MERCADO: Se lo agradezco. Pero
21 entiendo que quizás podría tener más tiempo
22 con el testigo --

23 MR. MURTHY: The translator is just
24 saying that they can't hear you. And the
25 YouTube is probably not --

1 MS. MERCADO: ¿Pero será el micrófono?
2 ¿Es que no me escuchan? Quizás es el
3 micró -- maybe it's a technical issue. I
4 have the microphone here.

5 2:20:14, 517 ln 10 hasta 517 ln 18 (sustituir)

6 MS. MERCADO: Okay. Maybe it's that
7 mike.

8 BY MS. MERCADO:

9 Q. ¿Está en la Tabla 9 de su testimonio?

10 A. Sí.

11 Q. Quisiera hablar de la primera métrica que
12 en inglés se le denomina "Total Energy Delivery
13 Cost".

14 A. Sí.

15 Q. ¿La ve?

16 Y esa -- la fórmula de esa métrica usted la
17 propone al Negociado como que podría ser "All
18 T&D expenses, including administrative expenses
19 for net kilowatt hour sold".

20 A. Sí.

21 Q. ¿Eso es correcto?

22 A. Sí.

23 Q. En esa propuesta que usted tiene ahí en
24 esa tabla, lo cierto es que usted no le está
25 proponiendo al Negociado cómo esa métrica se

1 implementaría para tomar en cuenta los
2 diferentes componentes de los costos de ese
3 "delivering energy" a los clientes.

4 A. Digo que incluye todos los costos de
5 transmisión y distribución --

6 Q. ¿Los detalles de los costos de
7 transmisión y distribución --

8 A. Dice todos.

9 Q. -- en Puerto Rico?

10 A. Todos.

11 Q. La pregunta es si en este testimonio
12 usted está detallando, "Mire, en Puerto Rico
13 todos esos "total energy costs" son -- estos son
14 y esta es la forma en que yo le recomiendo al
15 Negociado que entonces implemente la métrica".
16 Porque esta métrica, como usted ha dicho, son
17 ejemplos teóricos, y yo le estoy hablando de
18 implementación en arroz y habichuelas en Puerto
19 Rico que el Negociado, dentro de su "expertise",
20 eso es lo que tiene de frente, una métrica
21 propuesta para implementación.

22 Lo cierto es que usted no le ha dado al
23 Negociado una fórmula de cómo implementarlo en
24 Puerto Rico --

25

1 2:22:01, 517 ln 24 a 518 ln 24 (sustituir)

2 MS. MERCADO: ¿Puedo continuar?

3 MR. SEILHAMER: You can continue,
4 Counselor.

5 BY MS. MERCADO:

6 Q. Lo cierto es que en su testimonio usted
7 no ha detallado cuáles son esos costos del
8 "delivery energy" en Puerto Rico para que se
9 implemente esa métrica.

10 A. La tabla dice que son todos. Y el
11 Negociado conoce los costos porque se le
12 entrega.

13 Q. ¿Y usted los revisó --

14 A. Conoce los presupuestos.

15 Q. ¿Y usted los revisó, todos los costos y
16 cada uno para determinar cómo se implementaría
17 en Puerto Rico esa métrica?

18 A. No hacen falta porque la métrica consiste
19 en sumar todos los costos y dividirlo entre la
20 energía vendida.

21 Q. ¿Y cuáles son los --

22 A. Son dos valores.

23 Q. ¿Cuáles serían los costos administrativos
24 que estarían incluidos en esta métrica que usted
25 propone?

1 A. Todos.

2 Q. ¿Pero puede decirme cuáles, unos
3 ejemplos?

4 A. Lo que se le paga como fijo a LUMA es un
5 costo administrativo. Si se le diera algún bono
6 a LUMA, eso es un costo adicional. Todos los
7 costos que son "pass through" asociados a la
8 ejecución del trabajo de transmisión y
9 distribución, eso es un costo también. Son
10 todos los costos. Esta métrica es una métrica
11 que mira, "¿De alguna manera se han reducido los
12 costos de entregarle energía al cliente?". Es
13 un índice. Es un índice que tú lo calculas para
14 el año '21, 2021, y lo calculas de nuevo en el
15 2022 y puedes ver si hubo alguna eficiencia
16 global.

17 Q. Por eso. Pero --

18 A. Es una métrica que -- es un ejemplo de
19 una métrica que el Negociado podría adoptar.

20 Q. Y para este análisis que usted hizo -- le
21 estoy preguntando lo que usted vio. Si usted
22 examinó la orden que fija las tarifas en Puerto
23 Rico y detalla lo que está contenido en esta
24 tarifa. Lo revisó, ¿sí o no?, para proponer
25 esta métrica.

1 A. No.

2 Q. Ahora si, por favor, va a la Tabla 10,
3 página 39. Quisiera hablar de una métrica que
4 usted también incluye en su propuesta, "The
5 hardening of power plants and substations
6 against storm damage". ¿La ve ahí?

7 A. Sí.

8 Q. Okay.

9 Esa métrica, en su tabla -- página 39, no
10 tiene una fórmula. La porción de "metric
11 formula" está en blanco, ¿correcto?

12 A. Sí.

13 Q. ¿Y usted conoce que LUMA no opera "power
14 plants" o --

15 A. Sí opera subestaciones.

16 Q. No, mi pregunta fue sobre "power plants".
17 ¿Opera --

18 A. No. No opera --

19 Q. La generación. ¿La generación está a
20 cargo de LUMA?

21 A. No está a cargo de LUMA. Las
22 subestaciones sí.

23 2:22:53, 519 ln 4 a la ln 19 (sustituir)

24 Q. Le pregunto, ¿usted entiende -- me da un
25 minuto.

1 Vamos un momento a la página 37 otra vez. Una
2 última pregunta sobre sus métricas.

3 La métrica que usted propone de "effective
4 resource planning", ¿la está viendo?

5 A. Sí.

6 Q. La realidad es que ahí usted no está
7 proponiendo una sola métrica, sino que son
8 varias métricas, ¿correcto?

9 La --

10 A. Sí. Es un --

11 Q. -- métricas.

12 A. Es una clasificación general.

13 Q. ¿Podría decir cuál es la propuesta
14 específica de cómo esa métrica de "effective
15 resource planning", que son varias en realidad,
16 se implementarían en Puerto Rico según su
17 propuesta?

18 A. Un ejemplo concreto podría ser la
19 efectividad con la que se mueve la empresa que
20 opera el sistema de transmisión y distribución
21 en implementar, digamos, el despliegue de
22 microrredes. Eso sería un ejemplo que podría
23 caer dentro de esta métrica. Porque estamos
24 hablando de la planificación efectiva, cómo mido
25 la planificación efectiva. Y planificación es

1 algo que se hace hacia el frente. Así que sería
2 implementación de, vamos a llamarle, iniciativas
3 nuevas que nos permiten alcanzar objetivos
4 sociales definidos dentro de la política
5 pública.

6 Q. Moviéndonos ahora al tema de manejo de
7 vegetación. En la mañana de hoy o durante el
8 día de hoy, usted habló sobre su testimonio.
9 Este es el "rebuttal" Exhibit 9 -- o, bueno, es
10 su testimonio sobre métricas adicionales de
11 manejo de vegetación.

12 Le pregunto -- es que creo que están
13 buscándole el exhibit. Pero le puedo preguntar,
14 ¿ha usted tenido experiencia operacional
15 implementando un plan de manejo de vegetación?

16 A. ¿A qué se refiere con experiencia
17 operacional, licenciada?

18 Q. ¿Ha implementado un plan de manejo de
19 vegetación para una compañía como la Autoridad
20 de Energía Eléctrica, usted, implementando un
21 plan de manejo de vegetación?

22 A. Supervisaba el plan de manejo de
23 vegetación. No lo implementaba, lo supervisaba.

24 Q. ¿Lo supervisaba como --

25 A. Como miembro de la Junta de Gobierno de

1 la Autoridad de Energía Eléctrica.

2 Q. ¿Y cómo - supervisaba y no lo
3 implementaba.

4 A. Correcto.

5 2:28:09, 519 ln 22 (Sustituir)

6 MS. MERCADO: Okay. Me muevo al
7 ingeniero Cosme.

8 BY MS. MERCADO:

9 Q. Buenas tardes, ingeniero. Sé que
10 hemos -- ha estado aquí --

11 2:28:24, 520 ln 2 a la ln 8 (sustituir)

12 MS. MERCADO: Verdaderamente pensaba
13 que tenía --

14 MR. SEILHAMER: No.

15 MS. MERCADO: -- que era mi primer
16 testigo.

17 MR. SEILHAMER: No, no, no. Everyone
18 here has several witnesses, and we went
19 through this yesterday. Exactly the same
20 scenario.

21 MS. MERCADO: La realidad es que no --

22 MR. SEILHAMER: You have --

23 MS. MERCADO: Si me puede --

24 MR. SEILHAMER: And I'm giving you two
25 extra minutes to ask questions. That's the

1 ruling.

2 MS. MERCADO: La realidad es que
3 solicito un término --

4 2:28:54, 520 ln 15

5 MS. MERCADO: Sí. Lo que pasa es que
6 no tengo oportunidad de hacerle pre --
7 ¿cuánto tiempo me pueden dar con el
8 ingeniero?

9 2:29:19, 520 ln 22

10 MS. MERCADO: Sí, y entiendo. Cuando
11 me dijo cinco minutos, la realidad es que
12 entendí que era con el primer testigo.
13 Pero ciertamente --

14 2:29:25, 520 ln 24

15 MS. MERCADO: -- solicito tiempo
16 adicional. LUMA es la parte promovente en
17 este procedimiento. Media hora para dos
18 testigos --

19 2:29:36, 521 ln 3 a la ln 8 (sustituir)

20 MS. MERCADO: Solo pido entonces que
21 me deje formular mi objeción --

22 MR. SEILHAMER: You have, and it's --

23 MS. MERCADO: -- para el récord para
24 que quede en el récord las razones por las
25 que entiendo que es indebidamente corto el

1 tiempo.

2 MR. SEILHAMER: And it's --

3 MS. MERCADO: De aun la media hora --
4 así que, si lo puedo verter para récord,
5 porque la posición de LUMA como parte
6 promovente tiene un peso distinto a las
7 demás partes.

8 MR. SEILHAMER: Noted.

9 MS. MERCADO: El Sr. Irizarry es un
10 perito y, pues, tiene una comple --
11 2:30:03, 521 ln 10 a la 12 (Sustituir)

12 CHAIRMAN AVILÉS: Yo quiero hacerle
13 unas preguntas al Dr. Irizarry.

14 Doctor, buenas tardes.

15 THE WITNESS: Buenas tardes.

16 2:30:14, 521 ln 15 a la 25 (sustituir)

17 Q. Se ha hablado mucho de los estándares de
18 la IEEE. ¿Qué es un estándar de la IEEE?

19 A. IEEE es una organización internacional
20 con sede en Estados Unidos. Esa es la
21 asociación profesional más grande en el planeta,
22 o por lo menos ellos reclaman cosas como esas --

23 Q. Más miembros. Más miembros.

24 A. Con más miembros, sí. Con más miembros.
25 Los trabajos voluntarios que se hacen en IEEE a

1 menudo se van convirtiendo en una serie de
2 documentos que sirven -- que le han servido a la
3 industria -- a distintas industrias, en este
4 caso la industria de energía de potencia, como
5 guías. Y existen distintas gradaciones de esos
6 documentos. Lo usual es que IEEE comienza
7 desarrollando una conversación sobre un tema que
8 se entiende que es pertinente, se reúnen peritos
9 voluntarios en reuniones, participan miembros de
10 la academia, de la industria, ciudadanos,
11 consultores. Y poco a poco van desarrollando
12 algunos tipos de acuerdos. Inician normalmente
13 con lo que se conoce como prácticas
14 recomendadas.

15 Las practicas recomendadas luego se maduran y
16 adquieren la gradación de guías. Y poco a poco
17 se llega a la categoría de estándar de IEEE.
18 IEEE establece los llamados estándar, pero en
19 realidad no tienen ningún mandato de ley hasta
20 que el NIST los acoge.

21 Q. (Inaudible.)

22 A. Okay.

23 Q. Segundo, en la industria de la energía
24 eléctrica, ¿la IEEE es la única que elabora
25 guías y estándares o hay otras entidades que

1 hacen eso?

2 A. Sí las hay. Hay otras entidades que
3 hacen guías y estándares.

4 Q. Muy bien.

5 ¿La adopción de los estándares de la IEEE es
6 obligatoria en una jurisdicción?

7 A. No. Las jurisdicciones de forma
8 individual convierten o no convierten los
9 estándares en reglamentos, los adoptan como
10 reglamentos.

11 CHAIRMAN AVILES: Muy bien. ¿Yo puedo
12 preguntarle a Cortez o no puedo preguntarle
13 a Cortez?

14 2:32:32, 522 ln 7

15 Q. Cortez, buenas tardes. ¿Usted tiene
16 conocimiento de cómo la Autoridad de Energía
17 Eléctrica adoptaba los estándares -- el
18 procedimiento que tenía para adoptar estándares
19 de la IEEE o cualquier otro estándar?

20 A. No. I do not.

21 Q. ¿LUMA ha adoptado un procedimiento para
22 adoptar estándares?

23 2:33:04, 522 ln 10

24 Q. ¿Que, al momento, ese estándar no ha sido
25 adoptado por LUMA?

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2:33:14, 522 ln 12

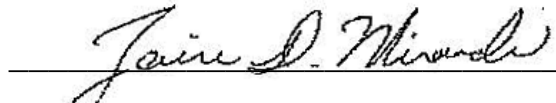
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YO, ZAIRA MIRANDA, E.R. Reporter, miembro de
Verbatim Reporting, LLC,

CERTIFICO que la transcripción que antecede es
un reflejo fiel y exacto de la grabación, según me
fuera entregada, del caso de epígrafe.

CERTIFICO además que no tengo interés
pecuniario en el resultado de este caso.


ZAIRA MIRANDA

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