

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

**NEPR**

**Received:**

**Nov 22, 2023**

**8:25 PM**

**IN RE:**

ENERGY EFFICIENCY AND DEMAND  
RESPONSE TRANSITION PERIOD  
PLAN

**CASE NO.: NEPR-MI-2022-0001**

**SUBJECT:** Motion to File Proof of Customer  
Enrollment and Additional Executed Master  
Aggregation Agreements and Evidence on  
Capability to Call Emergency DR Events and  
Request for Confidentiality

**MOTION TO FILE PROOF OF CUSTOMER ENROLLMENT AND ADDITIONAL  
EXECUTED MASTER AGGREGATION AGREEMENTS AND EVIDENCE ON  
CAPABILITY TO CALL EMERGENCY DR EVENTS AND REQUEST FOR  
CONFIDENTIALITY**

**TO THE HONORABLE PUERTO RICO ENERGY BUREAU:**

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

**I. Relevant Background and Procedural Events**

1. On August 11, 2023, the Puerto Rico Energy Bureau of the Public Service Regulatory Board (“Energy Bureau”) issued a Resolution and Order (“August 11<sup>th</sup> Order”) in which, among others, it ordered LUMA to file: (a) on or before August 23, 2023, for the Energy Bureau’s approval, the associated cost related to the compensation to be offered to the Demand Response (“DR”) Aggregators and/or ratepayers that participate in the Emergency DR Program under LUMA’s Energy Efficiency and DR Transition Period Plan<sup>1</sup> that was considered, amended

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<sup>1</sup> LUMA filed this document with the Energy Bureau on June 21, 2022 in case NEPR-MI-2021-0006, *In Re: Demand Response Plan Review, Implementation and Monitoring*.

and approved by the Energy Bureau on February 16, 2023<sup>2</sup> (the “Approved TPP”) to be recovered through the Purchased Power Charge Adjustment (“PPCA”); (b) within two weeks of the Energy Bureau's approval of the compensation to the participants, proof it has published Emergency DR Program terms, established agreements with DR Aggregators, and enrolled customers in the program; and (c) within two weeks thereafter, proof of customer enrollment and documentation showing that LUMA has the capability to call Emergency DR events. *See* August 11<sup>th</sup> Order on page 3.

2. In compliance with the August 11<sup>th</sup> Order, on August 23, 2023, LUMA submitted to the Energy Bureau the proposed estimated costs associated with the Emergency Battery DR Program, also known as the Customer Battery Energy Sharing Program (“CBES”) that forms part of the Emergency DR Program, including the cost related to the compensation to be offered to the DR Aggregators that participate in the CBES to be recovered through the PPCA. *See Motion to Submit Costs Associated with Emergency DR Program In Compliance with Resolution and Order of August 11, 2023, and Request for Confidential Treatment* filed August 23, 2023 (“August 23<sup>rd</sup> Motion”) and Exhibit 1. In addition, LUMA provided a proposed timeline to achieve the various tasks related to the implementation of the CBES and indicated that some of the milestones in the August 11<sup>th</sup> Order may not be reached by the timeframes established by the Energy Bureau and are contingent on additional factors outside LUMA’s control. *See id.* Exhibit 1 at page 9.

3. On August 29, 2023, the Energy Bureau issued a Resolution and Order (“August 29<sup>th</sup> Resolution and Order”) determining, among other matters, to amend the timeline for Emergency DR Program milestones and ordering LUMA to file, on or before September 22, 2023, proof of executed aggregation agreements for the Emergency DR Program and file, on or before

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<sup>2</sup> Via Resolution and Order of that date in the instant proceeding.

October 13, 2023, proof of customer enrollment and the capacity to call Emergency DR events. *See* August 29<sup>th</sup> Resolution and Order on page 5.

4. On September 20<sup>th</sup> 2023, LUMA informed the Energy Bureau that it had launched the CBES webpage, published the CBES Guidelines and submitted the form of the Master Aggregation Agreements to interested DR Aggregators, and that DR Aggregators had posed questions regarding some of the provisions of the Master Aggregation Agreement which LUMA was then working on resolving. *See Informative Motion and Request for Extension of Deadline To File Proof of Execution of Aggregation Agreements and Approval of Revised Emergency DR Program Budget* of that date (“September 20<sup>th</sup> Motion”) on pages 7-8. LUMA also indicated that it would likely need an additional week to execute the final Master Aggregation Agreements, barring any unforeseen complications with the DR Aggregators (*see id.* at page 8) and requested an extension of seven (7) days to resolve these questions and proceed with the execution of the Master Aggregation Agreement (*see id.*). In the September 20<sup>th</sup> Motion, LUMA also provided a revised timeline for the activities to implement the CBES . *See id.* Exhibit 1. In doing so, LUMA emphasized that it did not have certainty about when the DR Aggregators would be able to begin enrolling customers and dispatching events, as those activities are beyond LUMA’s control; that the revised timelines provided were LUMA’s then best estimates; and that the actual timeline is beyond LUMA’s control. *See id.* at page 8.

5. On September 29, 2023, LUMA filed with the Energy Bureau a motion informing on its efforts to allow DR Aggregators to evaluate and sign the Master Aggregation Agreement and expressed its understanding that it had taken all reasonable steps in its control to get the Master Aggregation Agreement executed by interested DR Aggregators, but getting the DR Aggregators to execute it was beyond LUMA’s reasonable control, as well as reiterated the subsequent

deadlines were also contingent on the DR Aggregators. *See Informative Motion Regarding Aggregation Agreements* of that date on page 4.

6. On October 13, 2023, LUMA filed with this Energy Bureau proof of execution of Master Aggregation Agreements and an update on customer enrollment. *See Motion to Submit Proof of Execution of Master Aggregation Agreements and Provide Update on Customer Enrollment* of that date (“October 13<sup>th</sup> Motion”). Therewith, LUMA informed that on October 13, 2023, it executed two Master Aggregation Agreements with DR Aggregators and submitted proof of execution consisting of a copy of the first page and the signature page of each executed agreement. *See* October 13<sup>th</sup> Motion on page 4. In addition, LUMA informed that given the recent execution of these agreements, customer enrollment had not yet occurred; that such activities were contingent on factors beyond LUMA’s control; and that when such milestone is achieved, LUMA will promptly file proof thereof with the Energy Bureau. *See id.*

## **II. Proof of Enrollment of Customers, Documentation Showing Capability to call Emergency DR Events and Proof Execution of Additional Master Aggregation Agreements**

7. LUMA hereby informs that on November 1, 2023, enrollment of customers in the CBES initiative was opened, and the first enrollments were processed on November 4, 2023. LUMA herein submits, under seal of confidentiality, proof of enrollment of customers in the form of the Enrollment spreadsheet containing the information provided by the DR Aggregators sent to LUMA to enroll customers as of November 16, 2023. *See Exhibit 1.* As of November 16, there were 953 customers enrolled in the CBES.

8. LUMA also hereby informs that, on November 16, 2023, LUMA conducted a test of the capability to call Emergency DR Events which was successful. LUMA submits herein as documentation showing this capability a description of the test event as *Exhibit 2* and the associated test event data as *Exhibit 3*.

9. Furthermore, LUMA informs that since October 13, 2023, it has executed three additional Master Aggregation Agreements. LUMA submits herein proof of execution of these agreements consisting of a copy of the first page and the signature page of each executed agreement. *See Exhibit 4*. Consequently, as of the current date, there are valid agreements with five (5) DR Aggregators.

### **III. Request for Confidentiality**

10. LUMA respectfully requests this honorable Energy Bureau to maintain Exhibit 1 confidential. In compliance with the Energy Bureau's Policy on Management of Confidential Information, CEPR-MI-2016-0009, issued on August 31, 2016, as amended on September 21, 2016 ("Energy Bureau's Policy on Management of Confidential Information"), under separate cover and expediently, within the next ten (10) days, as set forth in Section A.2 of the Energy Bureau's Policy on Management of Confidential Information, LUMA will submit a memorandum of law in support of its request to file Exhibit 1 under seal of confidentiality. Also, in compliance with the Energy Bureau Policy on Confidential Information, LUMA is submitting today a public redacted version and a confidential unredacted version of *Exhibit 1*.

**WHEREFORE**, LUMA respectfully requests that the Energy Bureau **take notice** of the aforementioned; accept the proof of enrollment of customers in the CBES initiative submitted herein in *Exhibit 1*, the documentation showing the capability to call Emergency DR Events submitted herein in *Exhibits 2 and 3*, and the proof of execution of additional Master Aggregation Agreements submitted herein in *Exhibit 4*; deem LUMA in compliance with the requirement in the August 29<sup>th</sup> Resolution and Order that it file proof of enrollment of customers and documentation showing the capability to call Emergency DR Events; and maintain the unredacted version of Exhibit 1 under seal of confidentiality.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 22<sup>nd</sup> day of November 2023.

We hereby certify that we filed this Motion using the electronic filing system of this Energy Bureau and that we will send an electronic copy of this Motion to the attorney for PREPA at [jmarrero@diazvaz.law](mailto:jmarrero@diazvaz.law) and [lionel.santa@prepa.pr.gov](mailto:lionel.santa@prepa.pr.gov); the Independent Office for Consumer Protection at [hrivera@jrsp.pr.gov](mailto:hrivera@jrsp.pr.gov); and [agraitfe@agraitlawpr.com](mailto:agraitfe@agraitlawpr.com), [info@sesapr.org](mailto:info@sesapr.org), [bfrench@veic.org](mailto:bfrench@veic.org), [shanson@veic.org](mailto:shanson@veic.org), [evand@sunrun.com](mailto:evand@sunrun.com), [jordgraham@tesla.com](mailto:jordgraham@tesla.com), [forest@cleanenergy.org](mailto:forest@cleanenergy.org), [customerservice@sunnova.com](mailto:customerservice@sunnova.com), [javrua@sesapr.org](mailto:javruea@sesapr.org), [pjcleanenergy@gmail.com](mailto:pjcleanenergy@gmail.com), and [mrrios@arroyorioslaw.com](mailto:mrrios@arroyorioslaw.com).



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/s/ Laura T. Rozas

Laura T. Rozas

RUA Núm. 10,398

[laura.rozas@us.dlapiper.com](mailto:laura.rozas@us.dlapiper.com)

*Exhibit 1*  
*Proof of Customer Enrollment*

*[Redacted and Unredacted (Confidential Version) of Excel Spreadsheet  
to be submitted via Email]*

*Exhibit 2*

*Description of the test conducted on the capability to call Emergency DR Events*





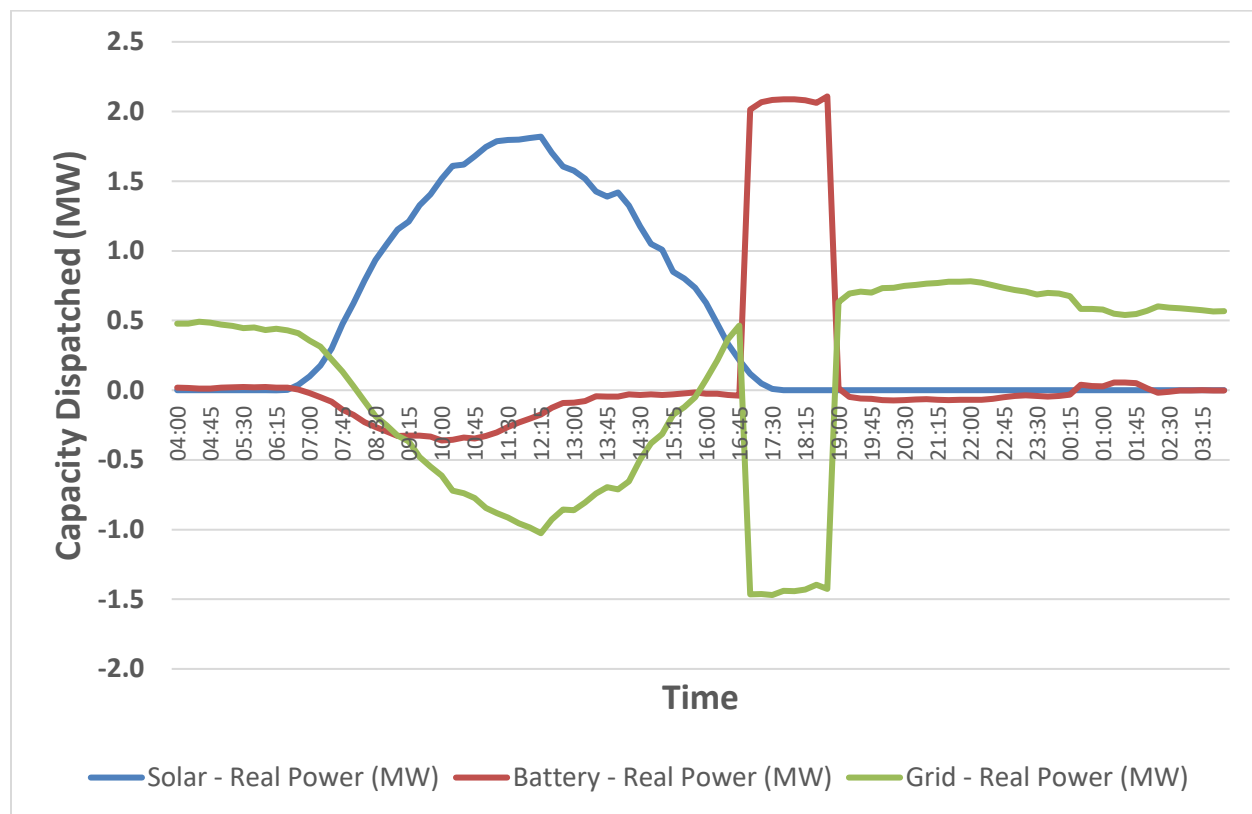
# Proof of Successful Event Test Dispatch Customer Battery Energy Sharing (CBES) Initiative

Case No. NEPR-MI-2022-0001  
November 22, 2023

## 1.0 Customer Battery Energy Sharing (CBES) Initiative Event Test Dispatch

On Thursday, November 16, 2023, LUMA issued the first Event Notice to Demand Response (DR) Aggregators requesting the dispatch of all enrolled batteries on the following day (November 17) from 17:00 to 19:00 AST. The LUMA team witnessed the successful dispatch of enrolled batteries on November 17, 2023, at 17:00 as scheduled. Figure 1 below shows a graph of the successful dispatch, produced from post-event data extracts provided by DR Aggregators. The red line displays the total battery power dispatched during the two-hour Event. This first Event dispatched roughly 500 batteries, representing approximately 2.1 MW of capacity.

Figure 1. CBES Event Dispatch



*Exhibit 3*  
*Data of test conducted on the capability to call Emergency DR Events*  
*[Submitted separately in its native Excel form]*

*Exhibit 4*  
*Proof of Execution of Additional Master Aggregation Agreements*

# Battery Emergency Demand Response Program

## MASTER AGGREGATION AGREEMENT

This **Master Aggregation Agreement** ("Agreement", as further defined herein) is entered into by and between the Puerto Rico Electric Power Authority ("PREPA"), a public corporation and government instrumentality of the Commonwealth of Puerto Rico, created by Act No. 83 of May 2, 1941, as amended, represented herein act by its agent LUMA Energy ServCo, LLC, a Puerto Rico limited liability company ("LUMA"), and sonnen Inc. ("EDR Aggregator") a corporation organized under the laws of DE, and authorized to do business in Puerto Rico. PREPA, LUMA, and EDR Aggregator may each be referred to herein as a "Party" or collectively as "Parties."

### I. RECITALS

**WHEREAS**, PREPA has an ownership or leasehold interest over the transmission and distribution system and related facilities, equipment and other assets related to such system (as further defined below, the "T&D System");

**WHEREAS**, PREPA, LUMA (as defined below) and the Puerto Rico Public-Private Partnerships Authority (as defined below) entered into the Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement, dated as of June 22, 2020, as supplemented and as may be amended from time to time in accordance with its terms (the "T&D OMA"), pursuant to which, among other things, LUMA provides operations and maintenance of the T&D System, including to promote, administer, plan, develop and implement energy efficiency and demand response programs and policies, among others, and acts as agent for PREPA in connection with certain agreements, including this Agreement, and in connection with the dispatch, coordination and scheduling of power and electricity;

**WHEREAS**, pursuant to the Regulation for Demand Response (as defined below), of the Puerto Rico Energy Bureau of the Public Service Regulatory Board (as further defined below, the "Energy Bureau"), PREPA is required to develop and offer Demand Response (as defined below, "DR") programs that provide standardized, cost-effective compensation in exchange for dispatchable DR ("DR Programs") and pursue all cost-effective DR resources through various means including DR aggregators, or, in lieu of a standardized program, may issue competitive solicitations to procure DR Resources; under this regulation, DR aggregators may aggregate the DR resources provided by one or more PREPA Customers (as defined below) and enroll the aggregated resource or resources in the DR Programs offered by PREPA, and PREPA is required to dispatch the DR Resources that participate in its DR Programs through DR aggregators;

**WHEREAS**, by Resolution and Order of February 16, 2023 in Case No. NEPR-MI-2022-0001, *In Re: Energy Efficiency and Demand Response Transition Period Plan*, the Energy Bureau amended and approved the proposed Energy Efficiency and Demand Response Transition Period Plan submitted by LUMA in Case No. NEPR-MI-2021-0006, *In Re: Demand Response Plan Review, Implementation, and Monitoring*, (as approved and amended by the Energy Bureau, the "Approved EE/DR TPP") and, among other things, directed LUMA to develop an emergency battery DR Program for existing residential and commercial PREPA Customers and to leverage the capabilities of third-party DR aggregators to launch this program;

The Parties have executed this Agreement on the dates indicated below, to be effective upon the later date.

**PUERTO RICO ELECTRIC POWER AUTHORITY, by  
its agent, LUMA ENERGY SERVCO, LLC**

sonnen Inc.

EIN: 47-3043045

By: Jessica Laird

Name: Jessica Laird

Title: VP Customer Experience

Date: Nov 2, 2023

By: Geoffrey Ferrell  
Geoffrey Ferrell (Nov 2, 2023 13:36 PDT)

Name: Geoffrey Ferrell

Title: SVP - VPP and C&I Project Bt

Date: Nov 2, 2023

By: M. D. Hurtado

Name: Mario Hurtado

Title: Chief Regulatory Officer

Date: Nov 3, 2023

# Battery Emergency Demand Response Program

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**PUERTO RICO ELECTRIC POWER AUTHORITY, by  
its agent, LUMA ENERGY SERVCO, LLC**

Tesla Puerto Rico, LLC

EIN: 66-0888423

By: Jessica Laird

Name: Jessica Laird

Title: VP Customer Experience

Date: Oct 31, 2023

By:   
Colby Hastings (Oct 27, 2023 21:49 PDT)

Name: Colby Hastings

Title: Director, Residential Energy

Date: Oct 27, 2023

By: 

Name: Mario Hurtado

Title: Chief Regulatory Officer

Date: Oct 31, 2023



# Battery Emergency Demand Response Program

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PUERTO RICO ELECTRIC POWER AUTHORITY, by  
its agent, LUMA ENERGY SERVCO, LLC

Sunrun PR Operations LLC

EIN: 384084619

By: Jessica Laird  
Name: Jessica Laird  
Title: VP Customer Experience  
Date: Oct 16, 2023

By: DocuSigned by:  
Marcus Mueller  
FC1B4BD38E0EF48C  
Name: Marcus Mueller  
Title: Vice President, Generation  
Date: 10/12/2023

By: Mario Hurtado  
Name: Mario Hurtado  
Title: Chief Regulatory Officer  
Date: Oct 17, 2023

Approved by Sunrun Legal

DS  
KA